

# Notice of Meeting



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## Western Area Planning Committee Wednesday 19th June 2024 at 6.30 pm in the Council Chamber Council Offices Market Street Newbury

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

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on 18 June 2024 by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### Members Interests

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

Date of despatch of Agenda: Tuesday, 11 June 2024

### Further information for members of the public

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

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

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

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



**Agenda - Western Area Planning Committee to be held on Wednesday, 19 June 2024**  
(continued)

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

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

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# Agenda

## Part I

Page No.

1. **Apologies for absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 32  
To approve as a correct record the Minutes of the meeting of this Committee held on 20 March 2024, 24 April 2024 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. and Parish: 24/00491/FUL East Garston** 33 - 52  
**Proposal:** Demolition of existing structurally compromised cottage and provision of a replacement cottage.  
**Location:** Greengates, Front Street, East Garston RG17 7HW  
**Applicant:** Whittonditch Farm Barnes Development Ltd  
**Recommendation:** To delegate to the Development Manager to grant planning permission subject to conditions listed.
  - (2) **Application No. and Parish: 22/01899/FUL, Enborne Row, Wash Water** 53 - 74  
**Proposal:** Change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan and the proposed erection of 1 dayroom per pitch.  
**Location:** Land west of pumping station, Enborne Row, Wash



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(continued)

Water

**Applicant:** Mr Charles Doherty

**Recommendation:** To delegate to the Development Manager to grant planning permission subject to the conditions listed.

(3) **Application No. and Parish: 23/01100/RESMAJ, Greenham** 75 - 126

**Proposal:** Application for Approval of Reserved Matters following Outline Approval 14/03109/OUTMAJ - Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings

**Location:** Newbury Racecourse, Racecourse Road, Newbury

**Applicant:** David Wilson Homes (Southern)

**Recommendation:** To delegate to the Development Manager to grant planning permission subject to the conditions listed in section 8.

**Background Papers**

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

**Agenda - Western Area Planning Committee to be held on Wednesday, 19 June 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.



West Berkshire  
C O U N C I L

## DRAFT

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

### WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 MARCH 2024

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

**Also Present:** Sharon Armour (Principal Lawyer - Planning & Governance), Paul Goddard (Team Leader - Highways Development Control), Masie Masiwa (Senior Planning Officer), Simon Till (Principal Planning Officer (Team Leader)) and Benjamin Ryan (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Adrian Abbs

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 21 February 2024 had not been completed and would be brought to the next meeting for approval.

##### 2. Declarations of Interest

Councillor Heather Codling declared an interest in Agenda Item 4(1) by virtue of the fact that she was a Member of Cold Ash Parish Council and Ward Member for the area. She reported that, as her interest was a personal or another registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Antony Amirtharaj, Phil Barnett, Patrick Clark, Clive Hooker and Howard Woollaston declared that they had been lobbied in relation to Agenda Item 4(2).

Councillor Barnett declared an interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Newbury Town Council and Greenham Parish Council where the item had been discussed. He would however be considering the application afresh. As his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Clark declared an interest in Agenda Item 4(2) by virtue of the fact he was the Ward Member and knew two of the Directors of Feltham Construction personally. However, he had not discussed this matter with them. As his interest was a personal or another 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 declared an interest in Agenda Items 4(2) by virtue of the fact that he was a Member of Newbury Town Council and its Planning and Highways Committee. He had been present when the application was discussed but would consider the application with an open mind. As his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

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Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied in relation to Agenda Item 4(3).

Councillor Vickers made a general declaration in relation to the Portfolio Holder for Planning being a Member of a Planning Committee. He had sought advice on this point and been assured by Legal Officers that this did not constitute a conflict of interest and was permitted by the Council's Constitution.

Additionally, he stated that he did not intend to declare his status as Ward Member as a declaration of interest for relevant items at future meetings.

### **3. Schedule of Planning Applications**

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

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/01916/HOUSE in respect of the erection of a single timber shed to the western side of a property in Cold Ash.
2. Mr Simon Till introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. The report detailed that the proposal was satisfactory in planning terms and officers recommended that the Development Manager be authorised to grant planning permission for the reasons listed in the main and update reports.
3. In accordance with the Council's Constitution, Councillor Heather Codling, Parish/Town Council representative, addressed the Committee on this application.

#### **Parish/Town Council Representation**

4. Councillor Codling in addressing the Committee raised the following points:
  - The proposal contradicted the original development plan in regard to properties blocking views of the Ridge.
  - There was frustration amongst Parish Councillors that conditions placed on development plans were being overturned.

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

5. Members asked questions of the Parish Council and received the following response:
  - An unacceptable fence would be one that blocked the view.

#### **Ward Member Representation**

6. Councillor Clive Hooker, reading a statement on behalf of Councillor Paul Dick, raised the following point:
  - The recent development was granted with considerable restrictions and these restrictions should be observed.

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

7. Members did not have any questions of clarification.

#### **Member Questions to Officers**

8. Members asked questions of the officers and were given the following responses:
  - The layout of the fence that was approved appeared to be different from what had been erected. It was advised that whilst the proposal should be considered in isolation the location of the fence was material as the location in which it had been

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built partially obscured the location of the proposed shed. However, the fence would still be approved in this location.

- General amenity allowed for permitted development rights of up to 1.8m, in this case the Inspector restricted all permitted development rights in relation to the means of enclosure and outbuildings due to the visual sensitivity of the location.
- The Committee were shown images illustrating how previous developments had obstructed views in the area.
- Mr Till advised he was not the case officer on this application so had limited background knowledge and as a result could not comment on whether two sheds would have been approved. It was stated however that this was not relevant to the proposal in front of the Committee.
- Considerations as to how the plans related to the visual impact on the area were material to this planning application and Members should make their determination on that basis.

### Debate

9. Councillor Tony Vickers opened the debate by stating that upon visiting the site he did not feel as though views of the Ridge would be affected by the proposal at all due to the ground dropping away. Councillor Vickers advised that he had originally opposed the proposal to build the dwelling but saw no reason to reject this proposal.
10. Councillor Howard Woollaston advised that when visiting the site, he was impressed with what had been built.
11. Councillor Phil Barnett stated that he agreed with Councillor Vickers sentiments and was supportive of the proposal.
12. Councillor Codling informed the Committee that she did not have strong views either way. She argued people's frustrations were centred around the fact that the distance could not be seen as clearly due to developments. She stated that she sympathised with the Parish Council and queried where this could lead to. She stated that there was the potential to lose the integrity of the approved plans further down the line if other homeowners wanted to undertake similar developments.
13. Councillor Hooker highlighted that when plans previously came through to Committee there were several challenges that had to be overcome and that permitted development rights were removed. He shared Councillor Codling's concern that this could create an issue of precedent.
14. Councillor Antony Amirtharaj stated that the concerns of the Parish Council must be taken into account. He queried whether a precedent was being set of accepting applications on account of technicalities and ignoring the concerns of parish council members. He confirmed that he had been to the site, and he did not see any issue with the visual impact, but that he was torn between what was being proposed within the legal limits and ensuring residents' views were considered.
15. Councillor Dennis Benneyworth argued that on balance the proposal had to be accepted.
16. Councillor Benneyworth proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Tony Vickers.

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

**RESOLVED** that the Development Manager be authorised to grant planning permission subject to conditions.

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

18. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/02754/OUTMAJ for a hybrid planning application seeking full planning permission for a food store with a floor area of 1800 square metres (Use Class E(a)) together with drainage, parking and associated access, infrastructure, and landscaping; and outline planning permission (matters to be considered: access) for up to 75 residential units (Use Class C3) high-capacity Electric Vehicle (EV) charging area, and residential care accommodation, containing up to 70 beds (Use Class C2), together with open space, play space, drainage, parking and associated access, infrastructure, landscape, bund on the eastern boundary with the A339, ancillary and site preparation works. Land East of Newbury College, Monks Lane, Newbury.

19. Masie Masiwa 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 scheduled of conditions and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms (Section 8 of the report).

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

21. The Chairman asked Paul Goddard if he had any observations relating to the application and Paul Goddard made the following observations:

22. The majority of traffic from the development would be via Monks Lane, which had been accepted by the Highways Team. Highways Officers had reservations and would have preferred traffic to exit via the south. Referring to Page 37, Paul Goddard noted the access road through Newbury College was a private road.

23. With the access road being private, it would be difficult to enter a Section 38 adoption process within part of the residential development. Condition nine in the report ensured that the highway would be designed and constructed to an adoptable standard should it become possible in the future and would enable access by the Council's Waste Service and Contractors.

24. There were no concerns regarding the layout of the proposed car parking for the retail store and it compared to similar stores approved across the district.

25. Not all traffic generation for the store would be new to the network. Some traffic would be pass by trips from the A339 that might stop by breaking up a journey, or linked trips that would already be visiting e.g. the college and would not be counted as they were already on the road network and accounted for.

26. Paul Goddard noted that at the bottom of page 37 there was a projected traffic generation for the various uses and totals overall. The projected traffic generation for this planning application and its impacts had not been easy to assess.

27. The applicants Highway Consultants had worked closely with Paul Goddard on the Planning Application. An issue regarding the assessment of this Planning Application



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stemmed from its location in proximity to the Strategic Housing site of Sandleford Park, which included an extensive package of mitigation measures, and the assessment took into consideration whether they would still work if this Planning Application was accepted.

28. The mitigation measures for Sandleford Park were not included in this application, but some objections had been made about them. For information, Paul Goddard informed the Committee about the relevance the mitigation measures had regarding the proposal, and when they would likely be constructed.
29. Paul Goddard noted the mitigation measures planned for the A339 / B4640, to encourage traffic from the South to go towards the A34, a reconfigured roundabout, a reduced northbound lane for a distance to a single lane, and the potential for a reduction in speed limit to 40 Mph. The mitigation measure for Sandleford Park should be in place by late 2027.
30. Paul Goddard noted the mitigation measure planned for the A339 / A343 Roundabout. The mitigation measure should be in place by 2028.
31. Paul Goddard stated that the mitigation measures for the A339 / B4640 and the A339 / A343 were Section 278 works provided by the developer.
32. Paul Goddard noted the mitigation measure planned for A339 / Pinchington Lane / Monks Lane, with substantial traffic signal junctions with all purpose pedestrian crossings. The mitigation measure should be in place by 2034.
33. Paul Goddard stated that the gap in delivery time of the packages of mitigation measures would ensure that the additional highway capacity would benefit Sandleford Park.
34. The Highways Officers and the Developers of this proposal used the same traffic model which covered all of Newbury in planning the Sandleford mitigation measures which informed them of the suitability of the mitigation measures when including this proposal on top of the Sandleford development.
35. Paul Goddard noted the table on Page 38, which showed the four peak columns for the PM peak without the developments, with Sandleford and its mitigation measures, with Sandleford and this proposal, and this development with reprogrammed traffic signals.
36. Paul Goddard stated that with the mitigation measures planned for Sandleford and adjustments to traffic signals, there would not be a negative impact on the road network.
37. Paul Goddard noted that the design would be refined going forward, with an updated Vis model.
38. Highways Officers recommended approval, with no objections.
39. Paul Goddard stated that the traffic conditions would worsen until the mitigation measures were completed.
40. In accordance with the Council's Constitution, Councillor Billy Drummond, Parish Council representative, Iain Wolloff, supporter, Sean Bates and James Iles, applicant/agent, addressed the Committee on this application.

### **Parish/Town Council Representation**

41. Councillor Billy Drummond in addressing the Committee raised the following points:

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- Greenham Parish Council supported the development of 75 residential units with open play spaces, and the Aldi store and parking facilities.
- Greenham Parish Council were concerned with the noise from delivery vehicles during the night.
- They supported the 70 bed care home with a 20 bed hospice.
- Strongly advocated for the approval of the application

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

42. Councillor Drummond responded to questions as follows:

- Greenham Parish Council had not considered adopting the public open space.

### **Supporter Representation**

43. Iain Wolloff (Newbury College Principal) in addressing the Committee raised the following points:

- Newbury College supported the application for the following reasons: it made good use of surplus land that the College owned before selling to the developer, development brought great benefits to the community, it secured educational benefits for the area, it would enable the College to invest in the area and raise needed funds from the land sale, the College's plan over a long period had received support from government, politicians, local community groups, and employees in the area.

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

44. Members asked a number of questions, and Mr Wolloff responded as follows:

- The land had been sold to NCII, but the college had a vested interest in the success of the proposal.
- It would be necessary for 3.5 years to meet the high cost of ending the PFI.
- Land sale would enable delivery of education of skills.
- This was vital for the immediate position of the college, and for further development.
- The College Corporation owned the service road leading into and across the site. Building of the Highwood Copse Primary School had led to the service road being opened for a period.
- College Corporation would consider adoption of the roads by West Berkshire Council, with no objection in principle.
- Did not want a rat run occurring on the service road.

### **Applicant/Agent Representation**

45. Sean Bates and James Iles in addressing the Committee raised the following points:

- The retail sequential test looked at more than brownfield sites (paragraph 622).
- Paragraph 630, the Thatcham catchment, had been deemed beyond the reasonable retail catchment area – the assessment focussed, by agreement with officers, on the Newbury area.
- The assessments of the London Road Industrial Estate were, by agreement, focused on the retail frontage.
- Members could delegate the agreement of the final wording of conditions to Officers.

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- Specific conditions had been amended in relation to the opening hours of the store.
- Wide consultation of 4500 households and social media outreach had been undertaken.
- Zero carbon had been offered, with a strong drainage solution.
- Biodiversity Net Gain had been offered.
- Would be open to the adoption of roads.

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

46. Members asked a number of questions and Sean Bates and James Iles responded as follows:

- Would be open to discussions with Sandleford developers regarding phasing of the development.
- The delegation of agreement of final wording to Officers would improve timing and implementation.
- The hospice would be built by a separate developer.
- The majority of the site would be within settlement.
- The retail store would be built first with housing built afterwards, due to capacity phasing challenges with drainage in the District.

### **Ward Member Representation**

47. Councillor Marsh in addressing the Committee raised the following points:

- The area did not need another superstore considering the number of nearby stores.
- Residents were concerned with the impact the development would have on traffic on Monks Lane and surrounding roads.
- Could not find evidence for demand for an Aldi on the site.
- Questioned why electric vehicle charging had not been part of the application.
- More houses on the site instead of the retail store would be more beneficial to the community.
- The site would not meet the requirements for onsite biodiversity net gain and would have to purchase off site credits.
- The southern part of the site could be turned into a wildlife nature reserve.

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

48. Members asked a number of questions and Councillor Marsh responded as follows:

- The housing proportion of the site had been good.
- It had been a model housing development but would prefer additional housing on the site.
- An additional retail store could threaten nearby stores, and the shopping centre due to be built on the Sandleford site.

### **Member Questions to Officers**

49. Members asked a number of questions and Officers responded as follows:

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50. Thames Valley Police considered the proposal secure based on design. The main concern with anti-social behaviour had been with the food store car park. Landscaping within the carpark would break it up, along with a barrier for access and bollards. A retractable bollard plan onsite with CCTV overlooking the car park would be installed. Thames Valley Police could be contacted regarding reserve matters on the layout and natural surveillance.
51. Paragraph 6.64, proposal on public open space, indicated multifunctional public space with locally equipped play area. It would be secured via a Section 106 legal agreement. Condition 30 recommended a public open space condition which requested, prior to foundation level, details of on-site public open space including leap equipment details, covering footpaths and finer details of public open space. The size of the open space had been acceptable in principle, even though it had been less than the requirement for the number of dwellings because of the size and what had been proposed. Officers considered that it met the policy requirement.
52. Point 6.75 Maintaining the Roads. Without a Section 38 Agreement in place, developers would appoint a management company to maintain the roads on behalf of residents.
53. Point 6.77 Number of Electric Vehicle Chargers. The four electric vehicle chargers would accommodate four cars. There would be periods where the car park would be busier than 50% capacity.
54. Highways Officers were satisfied that there were adequate pedestrian facilities within the Newbury College site to enable students to cross safely.
55. Paul Goddard to look through Transport Assessment to find maximum traffic movements in a day.
56. Following consultation with environmental health officer, opening hours would be 10:00 – 18:00 on a Sunday. Delivery times, following consultation with Environmental Health Officer, would follow.
57. Page 46 legal agreement and long-term government and maintenance of the public open space including the leap, landscaping buffers, green infrastructure and drainage measures. Final legal agreement allowed, within the negotiation of the heads of terms, for the Council to have an option on these points. The link through to the A339 would be part of the Sandleford development, and one of the first phases of the development parcel north, which was likely to be in place by 2028.
58. The residential site would be considered further at reserved matters, particularly in the layout and landscaping with any mitigation in terms of noise impacts. Addressed in the conditions recommended regarding noise impact. As the planning application had been in part an outline planning application, certain details had been unknown, as they had been purely indicative in terms of drawings. Planning permission ran with the land not with the applicant. The hospice and care home could be picked up by alternative providers. Any application for planning permission had to be considered in accordance with the policies of the development plan at the time.
59. The application for outline planning permission had been indicated for development of a care home and hospice, the ultimate form of that application being brought forward at reserved matters determining the layout of the site, which would determine whether a hospice would be included. The maximum beds for both would be 70 beds.
60. Officers made an assessment which involved consideration of the requirements of policy ADPP1 which required that development outside settlement to be focused on addressing identified needs and supporting the rural economy if applicable. A needs

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assessment by the applicant demonstrated the need for a care home, which had been supported by the Council's internal assessment based on housing need for provision of a care home. Policy ADPP1 referred to development adjacent to settlement boundaries.

61. Officers had spent a significant amount of time with the applicant looking at various aspects of the application. Officers had recommendations relating to the phasing of work and phasing requirements were contained within the conditions. There would always be a risk with planning applications that an applicant would not fulfil an entire planning application unless there were sound material grounds for doing so. The Council would not be able to insist on an entire application being built out and would not reasonably be able to condition an entire application being built. In this instance it would not be feasible to condition that the housing would be built before the retail element
62. There would not be a significant impact on students or residents to the south by delivery vehicles to the retail store.
63. There would be delivery vehicles making deliveries during the day. The specifics would be available in the Transport Assessment.
64. As the planning application was an outline planning application, issues regarding Heat Pumps would be more appropriate to be raised in reserved matters. There was a recommendation in terms of Net Zero for the residential aspects of the development. While the Committee could require a developer to provide Net Zero, it could not be overly prescriptive in the methodologies the developer used to deliver on the Net Zero requirement.

### **Debate**

65. Councillor Vickers opened the debate by stating that the application had been put forward by a local developer and stated that he would be confident that they would be able to deliver the scheme on time. Councillor Vickers was reassured that there were options to alleviate the short-term traffic congestion that would occur between the period that the supermarket would be open and the period that some mitigation to the highway network would be achieved. Councillor Vickers noted that the supermarket would be unlikely to affect the Community Centre to be built in Sandleford. Councillor Vickers stated that the scheme should be supported, with concerns alleviated.
66. Councillor Amirtharaj stated concern that the public open spaces and roads would not be adopted by West Berkshire Council. Councillor Amirtharaj stated that public open spaces and roads should be adopted by West Berkshire Council.
67. Councillor Amirtharaj was concerned by the size of the car park as set out in the planning application. He questioned whether a car park of that size would be necessary, and whether a smaller car park would be more appropriate with more housing allocated. Councillor Amirtharaj stated that he would support the application if half of the car park would be allocated to housing.
68. Councillor Amirtharaj supported the inclusion of net zero but noted that without specific conditions being implemented in the planning permission, they would be unlikely to materialise.
69. Councillor Amirtharaj highlighted the use of a heat pump for the retail site, but not for the residential site, and questioned whether a condition could be added to necessitate use of a heat pump.
70. Councillor Amirtharaj commented that broadband should be fibre broadband. He also stated that there had been no mention of control by residents regarding the

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development company or choosing the broadband company. Councillor Amirtharaj highlighted that he was talking on behalf of residents who had previously faced issues on other sites. Councillor Amirtharaj was concerned that acceptance of the application would leave residents at the mercy of private landlords, and that the roads would not be adopted.

71. Councillor Hooker stated that he had been negative about the application, however, had considered it more positively after reports from Officers. Councillor Hooker noted that there would be the opportunity to put conditions on the application regarding the food store. He noted that the traffic mitigation would be expensive to deliver. Councillor Hooker supported the residential element and was supportive of the application.
72. A point of order raised by Councillor Benneyworth stated that the conditions highlighted by Councillor Amirtharaj regarding heat pumps would be discussed as part of a separate application that would be looked at by the Western Area Planning Committee.
73. Councillor Barnett stated that he had reservations at certain stages regarding the application. He stated that his main concern had been regarding the traffic movements. Councillor Barnett highlighted the mixed housing that would be built with the acceptance of the application, and the extra care beds that would be provided. Councillor Barnett stated that he had initially been concerned with the retail store, considering the nearby retail park, however with the location of the retail store more residents would be able to travel to the store without the need of a car.
74. Councillor Barnett supported the application and stated that the application would be a good opportunity to support a local facility. He supported the use of a local building company.
75. Councillor Benneyworth stated that reports from Officers had met most of the concerns he had with the application. Councillor Benneyworth supported the proposed care home and the 40% affordable housing units, and on balance, supported the application.
76. Councillor Woollaston stated that most mixed-use schemes relied on one part subsidising the other. The 40% affordable homes were desperately needed, the nursing home was desperately needed, Aldi would not take on the store unless there would be a commercial reason to. Councillor Woollaston supported the application.
77. Councillor Codling stated that supermarkets knew their own markets. The level of detail in the negotiation that has occurred with officers was to be commended.
78. Councillor Vickers raised a point of order, that once Councillor Codling proposed to accept the Officers recommendation and grant planning permission, a seconder should have been sought and then a vote should have been held.
79. Sharon Armour sought clarification on the opening hours. They were clarified as 10:00 – 18:00 on a Sunday. 0800 – 2200 Monday – Saturday and on Bank Holidays.
80. Simon Till stated that neither the proposer nor the seconder suggested changes to conditions. In respect to the recommended conditions, and the hours of opening, the condition concerned had been received from the Environmental Health Officer as a recommendation and the applicant had not had the opportunity to comment upon it. Simon Till suggested Members could consider amending the resolution to delegate back to Officers to discuss opening hours with the applicant.
81. Councillor Woollaston put forward the condition that the road should be adopted by West Berkshire Council, and the public open space, but also suggested putting

## WESTERN AREA PLANNING COMMITTEE - 20 MARCH 2024 - MINUTES

forward that it would be the Committee's preference, so that it would be dealt with under reserved matters.

82. Councillor Amirtharaj supported the conditions suggested by Councillor Woollaston.
83. Councillor Hooker raised a point of order, with a proposal having a proposer and a seconder, that the conditions should be confirmed.
84. Sharon Armour agreed and stated that Paul Goddard should set out the conditions on the application regarding Section 38. Sharon Armour stated that the position of West Berkshire Council was that there would be no policy basis to enforce adoption as stated in the agenda.
85. Paul Goddard supported Councillor Amirtharaj's desire for roads to be adopted by West Berkshire Council and stated that a local design guide was nearing publication. While the document had not been ready for publication, in the future it would encourage developers to enter into a Section 38 Agreement to have roads adopted for access roads serving more than five houses. Paul Goddard deferred to advice from Planning and Legal Officers, stating that Highway adoptions were separate laws to the Town and Country Planning Act. Section 38 fell under the Highways Act 1980. Paul Goddard stated that there would be policies in place going forward to ensure roads would be adopted.
86. Councillor Codling 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 Woollaston
87. The Chairman invited Members of the Committee to vote on the proposal by Councillor Codling, seconded by Councillor Woollaston to refuse/grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Development Manager be authorised to grant planning permission subject to the schedule of conditions and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms.

Heads of terms for the legal agreement remained as proposed in the agenda pack which included Councillor Amirtharaj's option for the Council to enter discussions to take on open space management. The conditions remained as per the agenda pack and the updates sheet, which included the delegation to officers to negotiate opening hours. Simon Till stated that an informative regarding the applicant entering discussions with the Council regarding the adoption of the College access road and the roads on the site would also be added to the application.

**Or**, if the Section 106 legal agreement or unilateral undertaking is not completed, to delegate to the Development Manager to refuse planning permission.

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

88. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application: 23/02799/FUL which sought permission for the erection of a temporary dwelling for a rural worker.
89. Simon Till 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.

## **WESTERN AREA PLANNING COMMITTEE - 20 MARCH 2024 - MINUTES**

90. The Chairman asked Paul Goddard if he had any observations relating to the application, and Paul Goddard Responded as follows:
91. Page 18, the access existing into the site would be improved with surfacing for the first five metres.
92. Any increase in traffic generation would be offset by having accommodation overnight to look after the alpacas.
93. Not expected to be much change in existing vehicle movements.
94. Highways Officers supported the application.
95. In accordance with the Council's Constitution, Conan MacDermott, applicant, and Councillor Tony Vickers, Ward Member, addressed the Committee on this application.

### **Applicant/Agent Representation**

96. Conan MacDermott in addressing the Committee raised the following points:
  - The applicants had established their own business.
  - There were 24 breeding alpacas, with 12 pregnant.
  - Alpacas were induced ovulators with a very large birthing window, with stress causing miscarriages and issues within the first two to three months.
  - Living onsite would ease caring for the alpacas.
  - Caring for the alpacas required long days starting from 06:00 and often ending past 01:00 the next day.
  - Allowing the permission would support farming enterprises and diversification, and protection of a small rural business, which would be in line with Policy CS10 of the Council's Core Strategy.

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

97. Members did not have any questions of clarification.

### **Ward Member Representation**

98. Councillor Vickers in addressing the Committee raised the following points:
  - Concerns regarding the viability of the business.
  - Receiving temporary permission as a startup had been common.
  - Satisfied that there were no alternative accommodations on site or suitably near to the alpaca site.
  - Uncertain the number of alpacas would be sufficient to maintain the business going forward. However, they would likely breed, and there would be more alpacas, and there would be the land available within the ownership of the family.
  - The hard work put in by the applicant had been clear.
  - Councillor Vickers supported the application.

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

99. Members did not have any questions of clarification.

### **Member Questions to Officers**

100. Members asked a number of questions, and Officers responded as follows:



**WESTERN AREA PLANNING COMMITTEE - 20 MARCH 2024 - MINUTES**

- The norm for a generic temporary accommodation would be three years. The figures given to the Council would not break even at three years, however weight had been given to the rural enterprise within the countryside. A definitive business case had been submitted, supported by agricultural consultants, which stated that at year four the business would start to show a profit. Therefore, the appropriate time for assessment would be after four years.
- The enforcement matters were separate regarding the barn. The application initially posed challenges for officers considering it because of the accommodation within the barn. The unauthorised accommodation had been subject to an enforcement notice. The applicant promptly complied with the enforcement notice. Separate from the enforcement notice, there had been a six-metre extension to the barn which had not received planning permission. That was outside the purview of the application and officers would address that separately.
- C5 Section 8, The site had been separated from Holt Farm within the past ten years. None of the dwellings on the farm would be available to the business.
- Officers were satisfied with the market research exercise to support the application.

**Debate**

101. Councillor Amirtharaj opened the debate by agreeing with Councillor Vickers points regarding the site visit, and the explanation of the officers regarding the accommodation.
102. Councillor Woollaston praised the hard work shown by the applicants and supported the application.
103. Councillor Benneyworth stated that the site had previously been troubled regarding planning applications. On balance, Councillor Benneyworth supported the application.
104. Councillor Vickers stated that enforcement would be linked in with the planning system and how it would be viewed by the public. Other issues that had occurred in the parish and throughout the ward would be investigated. Councillor Vickers supported the application.
105. Councillor Amitharaj 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 Woollaston
106. The Chairman invited Members of the Committee to vote on the proposal by Councillor Amirtharaj, seconded by Councillor Woollaston to grant planning permission. At the vote the motion was carried.

**RESOLVED that** the Development Manager be authorised to grant planning permission subject to conditions.

*(The meeting commenced at 6.30pm and closed at 9.58pm)*

**CHAIRMAN** .....

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

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# DRAFT

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

## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 24 APRIL 2024

**Councillors Present:** Patrick Clark (Chairman), Clive Hooker (Vice-Chairman), Antony Amirtharaj, Phil Barnett, Dennis Benneyworth, Carolyne Culver (Substitute) (In place of Adrian Abbs), Paul Dick (Substitute) (In place of Howard Woollaston), Billy Drummond (Substitute) (In place of Tony Vickers) and Denise Gaines (Substitute) (In place of Nigel Foot)

**Also Present:** Sharon Armour (Principal Lawyer - Planning & Governance), Paul Goddard (Team Leader - Highways Development Control), Jessica Bailiss (Democratic Services Officer), Thomas Radbourne (Apprentice Democratic Services Officer), Bob Dray (Development Manager), Emily Ashton-Jelley (Environment Delivery) and Paul Bacchus (Principal Engineer)

**Apologies for inability to attend the meeting:** Councillor Adrian Abbs, Councillor Nigel Foot, Councillor Tony Vickers and Councillor Howard Woollaston

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 19 December 2023 were approved as a true and correct record and signed by the Chairman.

The Minutes from the meetings held on 21<sup>st</sup> February and 20<sup>th</sup> March 2024 would be brought to the next meeting in May 2024.

##### 2. Declarations of Interest

Councillors Denise Gaines and Billy Drummond declared that they had been lobbied on agenda item 4(1) by one of the Ward Members regarding the application.

Councillors Dennis Benneyworth, Parick Clark, Paul Dick, Clive Hooker and Antony Amirtharaj declared that they had been contacted by individuals both for and against the application for agenda item 4(1).

Councillor Antony Amirtharaj referred to a document that had been posted to him by the applicant regarding the site and queried if it was publicly available. Mr Bob Dray confirmed that it was not part of the applicant documents and therefore should be disregarded.

Councillor Phil Barnet declared a personal interest in agenda item 4(1) by virtue of the fact that he was also a Member of Newbury Town Council and its Planning Committee, where the application had been discussed, along with Greenham Parish Council. Furthermore, he had lived in Andover Road 50 years ago and had been a governor at Park House School for almost 30 years. Councillor Barnett declared that he was also a patient at Falkland Surgery. Councillor Barnett stated that he would weigh up all the evidence placed before the Committee and would vote accordingly.

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Councillor Carlyne Culver declared that she had also been lobbied on the item however, would form her decision based on the paperwork, site visit and discussion that took place at that evening's Committee meeting.

### 3. Schedule of Planning Applications

#### (1) Application No. and Parish: 23/01585/OUTMAJ - Sandleford Park West, New Warren Farm, Warren Road, Newbury

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/01585/OUTMAJ in respect of an outline application for the phased delivery of up to 360 dwellings; demolition of Warren House and other buildings; widening of Warren Road to provide access through to Andover Road to the west; emergency access via Kendrick Road; provision of open space; drainage, walking, cycling, green and other associated infrastructure, including 40% affordable housing provision. All matters to be reserved, except access into the site for vehicles, pedestrians and cycles along the Warren Road corridor.
2. Niko Grigoropoulos 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 conditions and the satisfactory completion of a Section 106 Legal Agreement (or refuse outline planning permission if the S106 Legal Agreement was not completed).
3. The update report provided detail on additional consultation responses and an amended version of condition 14.
4. The Chairman asked Paul Goddard, Highways Officer, if he had any observations relating to the application and Mr Goddard took the Committee through the highways matters set out in the report in detail (page 52). In conclusion, Highways Officers supported the overall conclusion reached by the Council's appointed transport consultants, to raise no objection.
5. It was proposed and seconded by a Member of the Committee that standing orders be suspended to enable a representative from Newbury Town Council to speak on the application, as a request had not been received until after the deadline. At the vote the proposal was carried.
6. It was proposed and seconded by a Members of the Committee that standing orders be suspended to increase the permitted speaker time to ten minutes. At the vote the motion was carried.
7. In accordance with the Council's Constitution, Mr Roger Hunneman, Town Council representative, Mr Tony Hammond, objector, Mr Christopher Tricky (on behalf of Fr. Zbigniew Budyn), supporter, Mr Tim Burden, Mr Chris Long, Mr Giuseppe Zanre and Mr Mark Norgate, agent, addressed the Committee on this application.

#### Town Council Representation

8. Mr Roger Hunneman addressed the Committee and his full representation can be viewed here: <https://youtu.be/nzzSCihcWsl?t=5667>

#### Member Questions to the Town Council

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

## **WESTERN AREA PLANNING COMMITTEE - 24 APRIL 2024 - MINUTES**

- Regarding where the Town Council would like to see air monitoring take place, it was stated that preferably this would be in the vicinity of Park House School. This was where the majority of the receptors would be.
- Regarding the situation outside of the school during drop and pick up times, it was clarified that all collection and drop offs of pupils occurred outside of the school on the road. Park House School had a considerable catchment area and there were often several buses parked up in laybys, which added to the general state of confusion.
- Although an alternative access for the site had been discussed numerous times by the Town Council, this was a matter that was outside the scope of a Town Council. A scheme was referred to that could join the Swan Pub roundabout with Wash Water, which could also access the development in question. It was felt that this could solve almost all of the problems relating to highways. The Town Council was disappointed that this scheme had never been seriously considered.
- The Town Council did not have access to traffic modelling however, did have contact with local residents who had communicated concerns and dislike for the proposed access. There was disappointment that the site visit had not been conducted when roads were more active.

Councillor Clive Hooker commented that Members had been sympathetic regarding timings of the site visit. The Chairman further commented that Members had arrived at 11am with the view of being able to spend as much time as possible at the site and listen to comments raised by Officers, residents and other representatives. The point about the congestion was noted and as Ward Member, Councillor Clark stated that he was aware that it was a chaotic location at rush hour.

### **Objector Representation**

10. Mr Tony Hammond, Chair of the 'Say No To Sandleford' Group addressed the Committee and his full representation can be viewed here: <https://youtu.be/nzzSCihcWsl?t=6180>

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

11. Members asked questions of clarification and were given the following responses:
- In response to whether there was satisfaction with the housing mix proposed as part of the development, the overdevelopment of the south of Newbury was considered to be the main issue. The 800 homes proposed as part of Sandleford east should be deemed sufficient as an expectation for the community to absorb at the current time. The question of whether the outline permission was suitable was more relevant to Sandleford east, where an application had been approved.

### **Supporter Representation**

12. Mr Christopher Trickey on behalf of Fr. Zbigniew Budyn addressed the Committee and his full representation can be viewed here: <https://youtu.be/nzzSCihcWsl?t=6923>

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

13. Members asked questions of clarification and were given the following responses:
- Regarding comments about the reduction in the provision of the footway on Warren Road to one side only, at the point where pedestrian and vehicle movements were greatest and whether this would be an impediment to support for the application in its current form, the church were in support of the proposal

## WESTERN AREA PLANNING COMMITTEE - 24 APRIL 2024 - MINUTES

however, had reservations in particular about road narrowing on Warren Road at the point in question.

### Applicant/Agent Representation

14. Mr Tim Burden (Planning Director) and Mr Chris Long (Partner, Ridge and Partners LLP) addressed the Committee and their full representation can be viewed here: <https://youtu.be/nzzSCihcWsl?t=7197> (Mr Giuseppe Zanre (Planning Director, Donnington New Homes) and Mr Mark Norgate, (Managing Director, Donnington New Homes) were also present to answer questions.

### Member Questions to the Applicant/Agent

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

- Regarding when it was thought development on the site would commence and when the first cars from the site would be seen on the road, comments were provided on the position currently and the future if it was assumed planning permission was granted. The S106 was envisaged to be signed by the end of June 2024, with a decision notice being issued soon after. There would be a phased development and there would be a series of reserved matter submissions from autumn 2024 to spring of 2025. A show opening was envisaged around late summer/autumn of 2025. The build process would then follow with the first year delivering about 30 units, building up to 60 units per year. It was expected that the development would be completed in spring/summer of 2032.
- Regarding when road works would commence, there were a series of conditions that would need to be discharged with Officers. Once these had been discharged work could start on Warren Road. A sacrificial road would need to be placed on the site to enable access for construction vehicles. Warren Road was a detailed application.
- It was envisaged that there would be three future reserved matters applications at phases, moving around the site in a clockwise direction. There would be pre-application consultation on each of these applications with Officers and the local community.
- There would be three phases, with three reserved matters applications dealing with these phases, covering all aspects within each phase including affordable housing, landscaping, highway construction and SuDs. Every part of each element of a phase would be built in accordance with conditions that would be discharged with Officers.
- Regarding affordable housing and assurance that these this be pepper potted around the site and not identifiable as affordable homes, it was confirmed that the appropriate controls on this would be included in the S106 legal agreement. Regarding the external appearance of the homes, this was referred to as '10 year blind' and affordable homes would be of the same palette of materials and design quality as other homes on the site and this was also controlled through the S106.
- Regarding the mix of housing on the site and the reason for 30/35 percent one bedroom and only 20/25 percent three bedrooms, it was stated that an indicative mix had needed to be used based on the Local Authority's (LA's) Strategic Housing Market Assessment (SHMA) and district wide evidence. Developers were encouraged not to vary from this.

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### Ward Member Representation

16. Councillor David Marsh addressed the Committee and his full representation can be viewed here <https://youtu.be/nzzSCihcWsl?list=PL6cepKKElwnf6MljU-KMsvcMDjCOR8wr3&t=8278>.

### Member Questions to the Ward Member

17. Members asked questions of clarification and were given the following responses:
- Regarding the impact on schools, particularly the catchment areas, Councillor Marsh stated that he was the Chair of Governors at one of the local primary schools and numbers on roll were falling meaning there would be an increasing amount of capacity. Bloor Homes were also building a new school next to the Rugby Club. Highwood Copse had also been built at a time when there had been no demand for it however, would be able to take some of the children from the east of the site. Although he was against the application, he did not feel the impact on catchments was going to be a major problem.
  - Councillor Marsh confirmed that all the schools he had referred to were primary schools. In terms of secondary provision, Park House was due to expand however, St Bartholomew's School, which was the other secondary in the area, was at maximum capacity. It was felt that secondary provision could be more of an issue.

*(the meeting was temporarily adjourned for a comfort break from 9pm until 9.05pm)*

### Member Questions to Officers

18. Members asked questions of the Officers and were given the following responses:
- Regarding concern raised about a response not having been received from Thames Water in relation to the application and if Officers were content existing sewage works were not already under too much pressure, it was reported that Thames Water were governed by separate legislation in that they were required to provide the necessary connections outside of the planning process. Thames Water's engagement with planning was normally through strategic policies. Thames Water had not made any comments in relation to the recent Local Plan Review. It was clarified that fundamentally Thames Water had not objected on the grounds of insufficient infrastructure because they had the obligation to provide the connection. Thames Water would sometimes raise objection if it was felt improvements were required to infrastructure. In the case of the application in question there were conditions recommended regarding a phasing and infrastructure plan and therefore Officers were content that these matters were adequately covered.
  - In addition, there was a condition that required a strategy to be submitted for foul water drainage, which would need to be approved by Thames Water prior to development. This would ensure that only a set number of houses could be developed until there was sufficient capacity in the system. This was the same condition as that used for the Bloor Homes appeal.
  - Regarding the cumulative impact on drainage and flooding from all sites in the area, it was confirmed that the site would not be connected to the Thames Water sewers. Surface water would be discharged south to the woodland area.
  - It was confirmed that all the developments in the area had used the same traffic model including the Bewley Homes development in Wash Water and the impact from all developments had been considered together with Sandleford.

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- It was confirmed that the laybys would be retained when the dual cycleway/footpath was created along Warren Road.
- Regarding traffic modelling, it was confirmed that the table under section 13.34 of the report, which provided projected travel generation, was only for the current proposal for 360 dwellings and did not include further development outside of the site.
- It was clarified that the trip rates set out in the table under section 13.34 were those that had been agreed per dwelling across the whole of Sandlesford Park.
- It was confirmed that if traffic was increased on the network, traffic queues did not automatically increase in uniform. Regarding traffic queue projections and that it could be seen that traffic queries were projected to worsen with mitigations (e.g. line three of the table under section 13.38 of the report), it was confirmed that there had been a trade off at this particular junction three years ago when the traffic modelling was completed. The southbound figure (from the roundabout next to Sainsbury's) by 2031 had predicted continuous queues three kilometres long. The A343/A339 mitigations scheme broke this queue up and dramatically reduced the south and westbound figures however, in turn this had increased the northbound figure. The view had been taken that although there would be an increase in traffic northbound, it would resolve the issues in other directions and therefore the balance had been in favour. Many of the figures had been approved as part of the Bloor Homes applications.
- It was reaffirmed that there had been 'trade offs' at certain locations however, on balance Highways Officers felt that the mitigations proposed as part of the Bloor Homes application to deal with Sandlesford Park, were favourable.
- It was confirmed that the toucan crossing to the north of Warren Road had been accounted for in traffic modelling. Traffic modelling suggested it would not have an overall impact. The further crossing proposed near the mini roundabouts had not been modelled at the current stage and further work was required.
- Regarding SuDS and how this would be looked at independently for each of the three sites, it was confirmed that this was a complex process however, there were conditions included to ensure the construction process was managed appropriately. The phasing of SuDS design and development was a matter for the developer to justify in accordance with conditions to prevent any increase in flood risk.
- In response to concern raised about the drainage of water from the northern side of the site, it was confirmed that the developer had divided the site into different catchments and each catchment area had discharge rates and attenuation systems to ensure flow was not increased.
- In response to whether church traffic had been included in traffic modelling it was confirmed that churches were not expected to have a large impact during weekday peak travel periods. Regarding the access to the church along Warren Road, Officers had considered pedestrians walking to and from the church and the pathway was shown including a dropped kerb.
- Regarding a possible legal challenge concerning the footpath along Warren Road, referred to by the Ward Member, the understanding was that this matter would be covered under separate legislation, rather than a direct result of the planning application. The Public Rights of Way Officer had made detailed comments (page



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29 of the report) and their view was that at present pedestrians were entitled to use the whole eight metre width extent and this right would remain.

- Assurance was sought that the provision of open space and green infrastructure would be carried out in accordance with any future permissions and it was confirmed that landscaping would be dealt with under reserved matters. Parameter plans had provided reassurance and a reserved matters application would provide detail about the location of dwellings and which trees would be lost. It had been shown through indicative plans that trees would be replaced and further trees would be provided. Councillor Dennis Benneyworth referred to previous experience and voiced the importance of this matter.
- Clarification was sought regarding the quality of the ivy on the north side of Warren Road and it was confirmed that these would be pre-grown panels around 20cm wide. These would need maintenance and would provide greenery throughout the year. Maintenance would be carried out by the LA as it was currently.
- Regarding whether affordable housing units would be distributed and pepper potted throughout the site in clusters of five to 12 dwellings, it was confirmed that this would be the case as set out in the Heads of Terms in the S106 Agreement (page 119).
- It was confirmed that there were no proposals for allotments but there was a proposal for a community orchard. Councillor Billy Drummond expressed his disappointment as he felt that there were health benefits associated to allotments, particularly since Covid.
- Regarding the monitoring of air quality, it was noted that in one of the presentations it had been stated that no air quality monitoring had been undertaken however, it was confirmed that the LA had an extensive air monitoring network across the district, in line with air quality management duties. There was a continuous monitoring unit at the A339/A343/Greenham Road Burger King Roundabout. There were also 36 non automatic sites across the district for nitrogen dioxide, two of these were close to the development including one on the Andover Road outside Park House School and the other on Monks Lane. There was monitoring data available from 2015 showing the concentration of nitrogen dioxide at both locations and this had been used as part of the air quality assessment for the site. It was possible that other new monitoring sites could be added to the existing network.
- To identify changes in air quality before and after the development was constructed, if approved, this could be included in work already undertaken by Environmental Health and it was confirmed that provision for this could be included in discussions as part of the S106 Agreement.
- Regarding whether the emergency access to the site was adequate and whether a response had been received from the Fire Service on this, it was confirmed that a response had been received a day prior to the Committee. The Fire Service did not normally respond on planning applications at the building regulations stage however, no particular concerns had been indicated. Assurance had been provided by the applicant that sufficient width would be provided.
- It was confirmed that Highways Officers always sought an emergency access for any development over 100 dwellings. The purpose of an emergency access was to ensure there was still access to a site if the main access point was obstructed

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for any reason. The emergency access provided another route into the site that blue light vehicles could use.

The Chairman referred to the earlier point raised about air quality and stressed that the options for future monitoring of air quality needed to be considered carefully, given the location of the site next to a school and the likeliness of increased idling traffic.

- It was confirmed that there was a land ownership matter on Warren Road, which led to road narrowing and a speeding restriction. Without this matter, road narrowing would still be requested by Officers in order to slow traffic on what was a straight section of road. No other speeding measures were proposed on the stretch of road in question however, multiple measures would be required across Sandleford Park as a whole. Officers' were seeking to avoid speed cushions and bumps that had to be maintained and caused annoyance for residents in close proximity. Natural traffic calming would be preferable with narrowing where required. The whole of the site would be designed as a 20mph zone.
- It was confirmed that there were no plans to impose restrictions such as double yellow lines on the Andover Road. The standard approach was to assess the situation once the site was built and apply further restrictions at this stage if necessary. Any further waiting restrictions would also be subject to a separate consultation process with the community carried out by the LA.

### **Continuation of meeting**

In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(1).

- The Integrated Care Board (ICB) had responded regarding the contribution for healthcare. The contribution amount of £311k had been initially requested through a generic letter however, the ICB had subsequently reviewed the development and withdrawn the initial letter. A new letter had been issued stating £187k would be required for healthcare provision. This also took account of the amount that would be contributed from Bloor Homes. The applicant had agreed with the figure and it had therefore been included in the Heads of Terms.
- Regarding what renewables were planned for the development and if they were compatible with what had been conditioned for Sandleford East, it was confirmed by Officers that this was covered in condition eight on page 29 of the report, which required that renewables provided needed to be at least the same as that to be provided by Bloor Homes. There was also an additional Heads of Terms for the S106 recommended, to ensure compliance with policy CS16, which required zero carbon emissions. This would also require an updated energy statement to be submitted by the applicant. A scheme for renewables and zero and low carbon generation on the site would need to be submitted as part of each reserved matters application.
- Regarding how the ICB had submitted a new calculation when the housing mix was not yet known, it was confirmed that the ICB had reassessed the amount based on what they had submitted originally for the expansion of Falkland Surgery, which had been considered as part of the appeal by Bloor Homes for Sandleford East. The amount to be contributed by Bloor Homes and the number of houses proposed for the site under consideration had been taken into account when producing the revised figure. The money would not only go towards the expansion of Falkland Surgery but also any other local family healthcare facilities.

## WESTERN AREA PLANNING COMMITTEE - 24 APRIL 2024 - MINUTES

- In terms of adequate education provision, the Education Service had not sought mitigation but had stated it might be required in the future. If mitigation was required, the Education Service had stated that there were options available that would require agreement. The Education Service had concluded that the costs associated with any mitigation required in the future for primary education could be met by CIL. It was highlighted however, that there was not a concern currently about the level of primary provision. The Education Service was keen for the development to make the necessary contribution towards secondary education for schemes, including the expansion of Park House School.
- In response to a further question about the level of contribution for healthcare, it was explained that when the proposal for Sandleford East had gone to appeal, the health sector had submitted a request for the expansion of Falkland Surgery. If there was to be a contribution towards infrastructure, it had to be relevant to planning, relevant to the scheme and had to be reasonable and proportionate. The officer confirmed he was content the figures were adequate. When questioned on the matter, the ICB had indicated that if further contributions were required for primary healthcare in the area these would be considered through CIL or other means.
- It was confirmed that there would not be a continuous cycleway from the site to Newbury Town Centre however, there were other routes that cyclists could take through the Bloor Homes site, along Monks Lane and down Newtown Road. A cycle way along the Andover road had been explored however, it was not wide enough.

### Debate

19. Councillor Phil Barnett reflected and commented on the history of the site, and the countryside and wildlife as a Wash Commoner. He acknowledged that sometimes progress had to be accepted. He welcomed the opportunity to see another mix of housing in a development and affordable units proposed, which was a good benefit. Councillor Barnett expressed he was however, deeply concerned about the access at Warren Road. He could not foresee this improving the quality of life of many people in the surrounding area. He reflected on concerns raised about air quality and the number of vehicles that already accumulated on the surrounding roads, which he felt would be exacerbated by the development. He acknowledged the traffic modelling presented however, those who lived in the area witnessed the issues faced on a daily basis where traffic continuously increased and built up to a point where it did not move. This caused a lot of frustration. He raised concern that residents would lose their gardens and about the hedge that bordered the side of Park House School that would be replaced by insufficient ivy grating, which he could not accept. Councillor Barnett commented that he would prefer to see a site proposed with a proper access and therefore would support a recommendation to refuse planning permission.
20. Councillor Amirtharaj did not agree that south Newbury was taking the impact of new houses in the area given the major developments in the north of Newbury where he was a Ward Member and therefore understood the impact on residents. To put the development in the area in context, 1600 homes was the equivalent of building another Wash Common, adjacent to Wash Common. In his view residents were understandably concerned. There had not been an alternative access proposed to Warren Road, which was a narrow stretch of road. Regarding education and healthcare, Councillor Amirtharaj felt that the subsidiary impact was often not considered and this needed to be taken into consideration. He did not feel that he had received a convincing answer that existing Wash Common residents would not

## WESTERN AREA PLANNING COMMITTEE - 24 APRIL 2024 - MINUTES

be adversely affected in terms of their access to healthcare and education. For these reasons Councillor Amirtharaj agreed with Councillor Barnett's view and proposed that planning permission be refused.

21. Councillor Paul Dick acknowledged the need for housing in the area and the need for social housing locally. He commented that the people that needed the homes, who were needed in order to grow the town socially and commercially were not at the Committee and he therefore wished to express a view on their behalf. Councillor Dick stated he was in support of the application. Councillor Dick reported that he had lived and worked in Thatcham for 30 years and commented on the Kennet Heath Development which had benefitted the school, roads and healthcare in the area. The benefit was incremental due to the time required to build a large development. Professionals had assessed the proposal and were content and Councillor Dick stated he put his faith in the view they had taken.
22. Councillor Clive Hooker reminded the Committee that the site in question was a designated strategic site that had been brought forward from the previous Local Plan in 2012. It had been voted on and approved by Full Council to be put forward for development and the Committee was required to address the outline planning conditions. He had listened to concerns expressed and had sympathy with those who found themselves on the periphery of a large scale development. Councillor Hooker commented however, that the answers provided by the officers had satisfied his concerns therefore he felt it was an application that should go forward and would receive his support for approval.
23. Councillor Hooker reminded the Committee that the Council needed to almost build one house per day as part of the Local Plan and this was why sites such as the one under consideration had been identified. Brownfield sites were not plentiful. Councillor Hooker felt the proposal was a good option.
24. Councillor Amirtharaj felt that the Committee needed to note and consider the trade-offs mentioned in relation to numbers and traffic modelling for the current application. If these were accepted at the outline stage it was likely further trade-offs could come forward as part of subsequent reserved matters applications. He stressed the risk of accepting trade-offs at the current stage to satisfy a strategic plan. In Councillor Amirtharaj's view, the Committee should rely on numbers but these should be based on best case scenarios and not trade-offs, which he was not willing to accept.
25. Councillor Carolyn Culver stated she was minded to object to the proposal as she had a lot of concerns about traffic. Councillor Culver was concerned about the pressure on the roads from building two large developments at the same time, including from construction traffic. The construction of a large site in her own Ward was currently causing a lot of problems due to the heavy vehicles. Councillor Culver expressed her concern about air pollution and stated her view would likely be different if the secondary school was not in such close proximity to the junction, where many people already dropped off and picked up pupils. Councillor Culver felt it was an overdevelopment of the area. It was acknowledged the site had been included as part of the previous Local Plan however, this was prior other developments in the area being approved. The development would place undue pressure on the area. Councillor Culver was concerned about the lack of infrastructure, particularly in relation to the school that was no longer proposed and was concerned about the impact on primary healthcare locally. Councillor Culver also voiced concern about pressure on catchment areas in relation to children who already lived in the area and the risk that they might not get into Falkland or Park House Schools due to those from the new site taking priority due to living closer to

## WESTERN AREA PLANNING COMMITTEE - 24 APRIL 2024 - MINUTES

the schools. This would place further pressure on the home to school transport budget that was already the third highest pressure within the Council's budget. Councillor Culver understood each application had to be judged on its merit however, the cumulative impact also needed to be considered in terms of the effect on the Council's budget.

26. The Chairman clarified that there were two other primary schools close by with a third suggested as part of the Bloor Homes development.
27. Councillor Denise Gaines commented on those who would wish to live in the houses proposed as part of the development, who wanted to come to the area and work, in turn contributing to the economy. If housing was not provided then the town would struggle in the future. Housing was required to attract people to the area to improve economic viability. As Portfolio Holder for Housing, Councillor Gaines commented on the importance of affordable housing and the numbers waiting for homes and in temporary accommodation currently, which was not an ideal situation in 2024. To have an application dismissed due to not wanting further homes in Newbury was difficult to accept. Councillor Gaines stated her wish to defer the application to District Planning Committee if the Committee were minded to reject it.
28. Councillor Dennis Benneyworth expressed that he supported the views raised by Councillor Gaines on affordable housing. His primary concerns had been satisfied by the responses provided by Mr Goddard. It was acknowledged that it was an adopted site and therefore justified reasons would be required to go against the Officer recommendation and Councillor Benneyworth stated he did not feel there were any.
29. Councillor Amirtharaj stated that he wished to propose that the Officer recommendation be refused on the basis that issues with the access road had not been resolved and secondly due to there being insufficient infrastructure, particularly in relation to primary education and there being no mitigations in place for this. Councillor Amirtharaj commented on the adverse impact of this on existing families in the area. Mr Dray clarified that pupil numbers at primary level were currently down. There might be mitigation required in the future however, currently numbers were at a level that could be dealt with via CIL.
30. Mr Dray clarified the two reasons for refusal as the unsuitability of Warren Road and secondly primary education provision. Councillor Amirtharaj referred to point 23.6 of the report, which stated there would be a negative impact on existing families in relation to primary education, which he was not willing to accept. Councillor Amirtharaj was also not convinced that the proposed contribution of £187k for healthcare would be adequate in constraining the pressure on the NHS.
31. Mr Dray noted the further reason for refusal based on insufficient healthcare infrastructure. He stated that should planning permission be refused, it was recommended that two further reasons relating to the S106 Agreement were included.
32. Councillor Culver seconded the proposal to reject the Officer's recommendation to approve planning permission by Councillor Amirtharaj and at the vote the motion was not carried.
33. Councillor Hooker proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Gaines.
34. Mr Dray clarified the recommendation in the report along with the conditions, Heads of Terms and refusal reason if the S106 was not completed. Mr Dray clarified that there was also an amendment to the wording of condition 14 as per the update

**WESTERN AREA PLANNING COMMITTEE - 24 APRIL 2024 - MINUTES**

report, as well as, an additional Head of Terms for the Section 106 Legal Agreement (13), regarding energy efficiency.

- 35. Councillor Culver noted that it had been mentioned that Thames Water would need to sign off the foul water strategy and asked for this to be added to conditions. Mr Grigoropoulos confirmed that Thames Water sign off of this matter was included within existing conditions. Councillor Culver queried if it would be possible to index link money that went to Berkshire Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) in the same way as it was for healthcare. It was confirmed by Officers that this could be done.
- 36. Councillor Hooker and Councillor Gaines confirmed that they were happy to accept the suggested amendment to the proposal.
- 37. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Gaines, to grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Development Manager be authorised to grant planning permission subject to the conditions set out in the report and update reports with the addition that any contribution to BBOWT be index linked. Or refuse planning permission for the reasons set out in the report in the event that the S106 Legal Agreement was not completed.

**Conditions**

14.	<p><b>Warren Road Access construction (amended)</b>                  With the exception of any necessary early works associated with Advanced Planting, Archaeology and/or Land Contamination, no demolition, excavation, laying of foundations and/or building works, associated with the part of the development hereby approved within the confines of the New Warren Farm part of the application site (i.e. not including the Warren Road corridor), shall commence until the detailed works hereby approved along the Warren Road Corridor have been implemented to base course in relation to the roadway and to wearing course in relation to the cycleway / footways. The works along the Warren Road Corridor shall be completed in accordance with approved drawing number 5011406_RDG_C0003C and phasing plan(s) approved pursuant to condition.</p> <p>Reason: For the avoidance of doubt, In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
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**Heads of Terms (HoTs) for Section 106 Legal Agreement**

13.	<p><b>Energy efficiency (Additional)</b>                  Obligation to deliver a development which complies with Policy CS15 of the West Berkshire Core Strategy 2006-2026 in accordance with an updated Outline Energy Statement.</p>
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*(The meeting commenced at 6.30 pm and closed at 10.29 am)*

**CHAIRMAN** .....

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

# 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 THURSDAY 9 MAY 2024

**Councillors Present:** Phil Barnett (Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines, Tony Vickers, Howard Woollaston and Dennis Benneyworth (Substitute) (In place of Clive Hooker)

**Apologies for inability to attend the meeting:** Councillor Clive Hooker

#### PART I

**1. Election of the Chairman**

**RESOLVED** that Councillor Phil Barnett be elected as Chairman for the 2024/2025 Municipal Year.

**2. Appointment of the Vice-Chairman**

**RESOLVED** that Councillor Clive Hooker be elected as Vice-Chairman for the 2024/2025 Municipal Year.

*(The meeting commenced at 8.47pm and closed at 8.49pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/00491/FUL East Garston Parish Council	15 <sup>th</sup> May 2024 <sup>1</sup>	Demolition of existing structurally compromised cottage and provision of a replacement cottage, with provision for access and related landscaping.  Greengates, Front Street, East Garston, RG17 7HW  Whittonditch Farm Barns Development Ltd

<sup>1</sup> Extension of time agreed with applicant until 21<sup>st</sup> June 2024

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=24/00491/FUL>

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

**Ward Member(s):** Clive Hooker

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

**Committee Site Visit:** 17<sup>th</sup> June 2024

## Contact Officer Details

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

## 1. Introduction

- 1.1 This application seeks planning permission for demolition of existing structurally compromised cottage and provision of a replacement cottage, with provision for access and related landscaping.
- 1.2 The application site is a dwelling located within the settlement boundary of East Garston, within the North Wessex Downs National Landscape (formally AONB) and within the conservation area and the River Lambourn SAC Nutrient Neutrality Zone. The application site is also located adjacent to the River Lambourn SSSI and the Lambourn Valley Biodiversity Opportunity Area as well as adjacent flood zones 2 and 3.
- 1.3 Amended plans were received on the 31<sup>st</sup> May 2024; to overcome concerns raised by the conservation officer on design. The decision is based on these plans.
- 1.4 The proposal seeks the demolition of the existing detached 3 bedroomed dwelling and construction of detached 3 bedroomed dwelling. The proposed dwelling will be situated around 2m back from the road compared to the existing dwelling. The proposed dwelling will extend further east into the plot with parking and turning area also further into the plot to allow for safe turning on site. The main entrance will remain to the south-east elevation like the existing dwelling.

## 2. Planning History

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

Application	Proposal	Decision / Date
22/02870/FUL	Demolition of existing structurally compromised cottage and provision of a replacement cottage , with provision for access and related landscaping.	Refused / 28.11.2023

## 3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 Site notice displayed on 17<sup>th</sup> April at the site; the deadline for representations expired on 9<sup>th</sup> May 2024.
- 3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<p><b>East Garston Parish Council:</b></p>	<p>Objection – Space for vehicular access already exists on the S-E side so PC unclear why it is necessary to move the footprint to accommodate access on the S-W side. Object due to the re-positioning for the following reasons;</p> <ol style="list-style-type: none"> <li>1. Visual Impact: Proposed re-siting and moving the building backwards in the plot by 2 metres would have a detrimental impact on the street scene which is an integral part of the character of the Conservation Area and the AONB. PC feel the new plans do not take account advice of conservation officers who recommended to maintain the current footprint.</li> <li>2. Negative impact on private amenity of an existing village home; although PC not clear exactly how far the building will need to move to accommodate the 3.1 metres for vehicular access it will be a minimum of 0.5 metres. This, coupled with moving back 2 metres in the plot will take the building much closer to Larkspur than if it stayed on the same footprint.</li> <li>3. Impact on traffic; Current position of Greengates creates a natural pinchpoint along the lane which naturally slows traffic. Improvement in sightlines gained by moving the building back are negligible because of wall to the west and mature hedge on the east. Despite plans for hedging and a kerb it is felt that at some point there will be on street parking.</li> </ol> <p>The PC concerned about over development of this site. If WBC do approve this application, the PC would like a condition imposed that removes permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.</p>
<p><b>Highways:</b></p>	<p>Conditional Approval</p>
<p><b>Trees:</b></p>	<p>Conditional Approval</p>
<p><b>Archaeology:</b></p>	<p>No Objections</p>
<p><b>Conservation:</b></p>	<p>No Objections to the amended design – full comments below</p>
<p><b>SUDS:</b></p>	<p>No Objections</p>
<p><b>Environment Agency:</b></p>	<p>No Comments</p>
<p><b>Ecology:</b></p>	<p>Conditional Approval</p>

<b>North Wessex Downs:</b>	No Response
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### ***Public representations***

- 4.2 Representations have been received from 13 contributors, 13 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Relocation of dwelling
  - Visual impact on conservation area and street scene
  - Layout as access to south-east side
  - Impact on neighbouring amenity
  - Previous refusal reasons still applicable
  - Encourage on street parking
  - Highways impacts
  - Precedent for future applications for moving dwellings
  - Loss of historic integrity
  - Ecological impacts

## **5. Planning Policy**

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP5, CS1, CS4, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
  - Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)
  - North Wessex Downs AONB Management Plan 2014-19
  - WBC Quality Design SPD (2006)
  - Planning Obligations SPD (2015)
  - Sustainable Drainage Systems SPD (2018)

## **6. Appraisal**

- 6.1 The main issues for consideration in this application are:
- Principle

- Design, Conservation, Character and Appearance
- Neighbouring amenity
- Highways
- Flooding
- Ecology
- Trees

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

- 6.2 The application site is located within the defined settlement boundary of East Garston the application site is also within the North Wessex Downs National Landscape (NWDNL). In accordance with Core Strategy Area Delivery Plan Policy 1 (ADDP1) and the principal guidance in the National Planning Policy Framework (NPPF) new development will be directed to the most sustainable locations and with preference on brownfield sites accessed.
- 6.3 Planning Policy ADPP5 of the Core Strategy further advocates for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs National Landscape (NWDNL). Policy ADPP5 permits development within NWDNL providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the NWDNL, ensuring that any development responds positively to the local context.
- 6.4 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan provides an up-to-date framework for determining applications/appeals for residential development in West Berkshire. Relevant policies for the supply of housing are contained in the West Berkshire Core Strategy 2006-2026 and the Housing Site Allocations (HSA) DPD 2006-2026. These policies attract substantial weight in the determination of applications for new residential development.
- 6.5 The proposed development at Greengates, Front Street, East Garston, RG17 7HW, is within the settlement boundary of East Garston, as defined within The West Berkshire Core Strategy (2006- 2026) and the West Berkshire Housing Site Allocations DPD.
- 6.6 Being within the settlement boundary the principle of the proposed development is acceptable. This is subject to the proposal otherwise being in accordance with development plan policies on design, impact on the character of the area, and impact on the amenity of neighbouring land uses.

### ***Design, Conservation, Character and Appearance***

- 6.7 The NPPF is clear that good design is indivisible from good planning, it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. The NPPF also adds that the visual appearance is a very important factor, securing high quality and inclusive design goes beyond aesthetic considerations.
- 6.8 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and makes a positive contribution to the quality of life in West Berkshire. 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. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.

- 6.9 The existing dwelling is an attractive historic cottage, displaying a traditional character reflective of the rural vernacular. It is a modest structure of 1 and half storeys, constructed of red bricks with vitrified blue headers laid in a Flemish bond. The roof is of half-hip construction with traditional clay tiles. It is prominently located on one of the main thoroughfares that run through the CA.
- 6.10 It is likely to date to the early C19th, however, it could be slightly earlier. Rocque's map of 1761 shows buildings lining the main thoroughfares through East Garston. However, it is difficult to say for sure whether the existing dwelling is shown as Rocque's maps are largely schematic, so it is difficult to identify the existing dwelling with any certainty.
- 6.11 Regardless of whether the building dates to the early C19th or the late C18th, it is clearly of local historic and architectural interest. Its interest, or significance, lies in the combination of the building's age, modest vernacular appearance, use of traditional materials and techniques, its communal/social value as the former post office, and the positive contribution it makes to the historical and architectural unity of the East Garston Conservation Area. Therefore, whilst not currently included in West Berkshire's Local List of Heritage Assets (which is currently in its early stages), the building is a non-designated heritage asset within the meaning and definition contained within the NPPF.
- 6.12 The application has been accompanied by a Structural Report by Andrew Waring Associates, which concludes that the building is beyond reasonable or practicable repair due to excessive lean and instability in the walls and roof and would need to be rebuilt. Whilst the loss of this attractive vernacular cottage is extremely regretful however the council accept the findings of the Structural engineer's report and consider that the rebuild of this cottage is justified in this instance.
- 6.13 While the demolition of this building will result in harm to the significance of a designated heritage asset, it is considered that provided historic fabric from the existing building (namely the bricks) is salvaged and re-used in the new building, the harm is justified as it would provide public health and safety benefits.
- 6.14 This application differs from the previous in the following ways:
- Proposed siting – 2m away from road edge (rather than previous 2.4m)
    - In line with concerns raised by the previous conservation officer comments, setting the building away from the road is considered to incur a level of less than substantial harm to the Conservation Area, by reducing the visibility and presence of the cottage (a positive contributor) to the Conservation Area street scene. The altered siting would alter its relationship with Front Street and surrounding historic development. Reducing this set back by 0.4m is a slight improvement on the previously proposed but is still considered to incur a level of less than substantial harm. In line with the NPPF (Para. 208), this harm would need to be weighed against public benefit.
    - The proposed design and materiality is appropriate.
  - Landscaping – hedge at boundary to prevent on street parking
    - Examples of this type of boundary treatment can be seen throughout the Conservation Area – considered to be acceptable (provided the

proposed siting is appropriate by the Case Officer in line with the comments above).

- 6.15 The conservation officer requested the roof height of the addition to be reduced further to allow clearer differentiation and subservience between the replacement cottage and the addition. Amended plans were received on 31<sup>st</sup> May 2024 which made these changes and therefore the conservation officer was satisfied with these changes.
- 6.16 The main dwelling is to be constructed of brick and is to replicate the form, design, detailing and appearance of the existing building, albeit with very slight differences in height:
- Ridge height - proposed 6.7m, existing 6.2m
- Eaves height along the S/E elevation - proposed 3.8m, existing 3.5m
- Eaves height N/W elevation - proposed 2.2m, existing 2.1m
- 6.17 The extension is proposed to be painted brickwork with matching clay tile roof; the extension will have a lower ridge height and eaves height to appear subservient to the main replacement dwelling.
- 6.18 The proposed plans which set the replacement dwelling back from the highway is considered to have a less than substantial harm on the conservation area. Where a proposal would cause less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the NPPF requires that in determining the application the less than substantial harm must be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. Highways safety is a public benefit, so should be weighed against the less than substantial harm.
- 6.19 The proposed replacement dwelling will be situated 2m further into the site than the existing dwelling. The dwelling will also be moved 0.8m to the south-east to allow for enough space for cars (3.1m) to pass to the north-west of the dwelling to access the new parking area located to the north-east.
- 6.20 Overall, whilst there is the loss of a non-designated heritage asset suitable justification has been submitted in the form of a structural viability report. The structural viability of a building for re-use is a material planning consideration in considering its replacement, including in a conservation area. It is accepted that the setting back of the proposed replacement dwelling would have an impact on the conservation area, but this impact would be less than substantial which is outweighed by the public benefits of providing visibility splays with regards to vehicle and pedestrian safety. It is also to be noted that the less than substantial harm is at a low level; therefore, the proposal does not result in significant or overwhelming harm to the character of the conservation area. Therefore the proposed works are considered to comply with the NPPF and policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### ***Neighbouring amenity***

- 6.21 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.
- 6.22 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.

- 6.23 The proposed replacement dwelling will be situated further into the plot and moved to the south-east closer to the neighbouring dwelling known as Larkspur. The proposed dwelling will be located 0.8m closer to the neighbouring dwelling than the existing dwelling. An additional first floor window is proposed to the south-east elevation however this will be a bathroom and a condition can be added for this to be fitted with obscure glazing.
- 6.24 There is current existing boundary fence and mature screening with further soft planting proposed the soft landscaping can be secured via condition.
- 6.25 Due to the setting back of the proposed dwelling from the road by 2m this will move the proposed middle first floor window further into the plot closer to the neighbouring dwelling (Larkspur). The proposed window will be around 18m from the conservatory located to the side; whilst the 'Quality Design' SPD states that back-to-back distances should be 21m, the proposed angle and distance along with the existing mature boundary screening reduced the potential for overlooking. Overall, there is not considered to be a significant impact on neighbouring amenity and the proposal complies with the NPPF and Policy CS14 of the Core Strategy.

### ***Highways***

- 6.26 Policy CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to access, parking and turning and highways impacts of development. The NPPF indicates development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.27 During the previous application the Council's Highways Officer was consulted and raised an objection to the application being amended in accordance with the conservation officers request for the replacement dwelling to be located close to the road like the existing dwelling. This setting forward did not improve the visibility splays/sight lines which caused concern due to the intensification of use of the access. Concern was raised as vehicles would be required to edge out into the carriageway without being able to see whether it is safe to do so. The carriageway is relatively narrow and so vehicles exiting the access could be a hazard to vehicles travelling in either direction. There are also no footways in this location and so the increased use could also be a compromise to pedestrian safety. The development would result in the increased use of an access which is provided with sub-standard visibility which would be to the detriment of highway safety and the free-flow of traffic along Front Street.
- 6.28 The current scheme alters the location of the proposed replacement dwelling further into the site by 2m. This is supported by the highways officer as it allows for improvements to the access in which the use would be intensified due to the creation of an off-road parking area to the rear of the dwelling. The re-positioning of the proposed dwelling allows for adequate room (3.1m) for cars to pass to the north-west of the site to access the rear parking area and allow for safe turning on site.
- 6.29 The proposed site plan shows to prevent cars parking to the front of the dwelling soft landscaping comprising of evergreen hedging at a max height of 0.6m is proposed. This can be secured by condition. The replacement boundary wall will also be set back to ensure that visibility splays are maintained.
- 6.30 Policy P1 Residential Parking Standards for New Development. Each 3-bed house within Zone 3 must be provided with a minimum of 2.5 off road car parking spaces of which have been provided.



- 6.31 The highways officer has recommended approval subject to conditions such as provision of electric vehicle charging point, parking in accordance with plans, works to be carried out in accordance with the submitted construction method statement, provision of visibility splays/sight lines and stopping up of temporary access; these conditions have been deemed acceptable.
- 6.32 The proposed replacement dwelling accords with the NPPF, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the West Berkshire HSA DPD (2006-2026).

### ***Flooding***

- 6.33 The application site is located partially within an area that is at risk of surface water flooding and fully within an area of groundwater flood risk and therefore a flood risk assessment is required as part of Policy CS16 and the NPPF.
- 6.34 Policy CS16 states that the sequential approach in accordance with the NPPF will be strictly applied across the District. Development within areas of flood risk from any source of flooding, including Critical Drainage Areas and areas with a history of groundwater or surface water flooding, will only be accepted if it is demonstrated that it is appropriate at that location, and that there are no suitable and available alternative sites at a lower flood risk. When development has to be located in flood risk areas, it should be safe and not increase flood risk elsewhere, reducing the risk where possible and taking into account climate change.
- 6.35 A SUDS Statement dated June 2023 was submitted and deemed acceptable by the drainage engineer. A drainage strategy of similar principles to a previous application at this site was discussed and agreed with the council as LLFA and are therefore satisfied that the proposals have been retained for this application. Whilst there is no way for the proposed development to be 100% compliant with best practice due to the lack of nearby surface water sewers and the difficulty/costs associated with connecting to the nearest watercourse, the applicant has done as much as possible to provide a viable surface water drainage scheme.
- 6.36 For a development of this scale the applicant has provided appropriate surface water drainage details. A condition ensuring that the proposed development is carried out in accordance with the measures stated within the assessment has been added to the decision notice to secure this.
- 6.37 The proposed replacement dwelling accords with the NPPF and Policy CS16 of the West Berkshire Core Strategy (2006-2026).

### ***Ecology***

- 6.38 The proposed development falls within the catchment of the River Lambourn SAC and therefore within the Nutrient Impact Zone for this Habitat Site. All new development that would result in a net increase in phosphorous must take into account Natural England's Advice on Nutrient Neutrality dated 16<sup>th</sup> March 2022. West Berkshire Council will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before considering granting planning permission.
- 6.39 The submitted proposals are to demolish the existing dilapidated cottage and to replace it with a new dwelling. Therefore, the proposal does not comprise a new additional dwelling. The applicants have submitted a Statement of Nutrient Neutrality which demonstrates that as the replacement dwelling will be connected to East Shefford

WwTW the wastewater phosphorous export load will in any case be significantly reduced over the current septic tank waste facility.

- 6.40 There are therefore no likely significant effects on the River Lambourn SAC from nutrients, no requirement for a full Habitats Regulations Assessment and no requirement for nutrient mitigation.
- 6.41 Greengates is an old, dilapidated cottage surrounded by vegetation including mature trees and shrubs and is located close to the River Lambourn. All these factors indicate good potential for bat activity and roosting bats. The applicants have submitted a report of Bat Surveys that concludes the likely absence of roosting bats. However, the surveys on which this assessment is based were undertaken in August 2021 over 2.5 years ago and therefore they can no longer be relied upon. Therefore updated surveys for bats are required.
- 6.42 Normally such surveys would need to be undertaken and the results submitted prior to the determination of the planning application in accordance with paragraph 99 of the ODPM Circular /2005 which states: *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*. However, as previous surveys found no evidence of roosting bats, it is possible in this case to make the further surveys a pre-commencement planning condition in accordance with the guidance set out in Section 9.2.4 of BS 42020:2013.
- 6.43 A relevant condition requesting further bat surveys, construction environmental management plan, lighting design and ecological enhancements has been recommended to ensure that this is secured.
- 6.44 The proposed development would therefore be in accordance with Policy CS17 of the West Berkshire Core Strategy Development Plan Document (2006-2026).

### **Trees**

- 6.45 Policies CS18 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are also relevant in this instance.
- 6.46 The Council's Tree Officer was consulted and commented; the application is for demolition of the existing dwelling and its replacement. It is accompanied by an Arboricultural Impact Assessment by WH Landscape to BS 5837:2012. This shows five trees of various types and sizes will be removed to facilitate the development. Two of these are non-native conifers which could reach considerable size at maturity and arguable are out of keeping with the surroundings. One is a domestic Apple. All are C-grade. Replacement hedge and tree planting is proposed. No objections to the proposed works providing works being carried out as stated in the report. Therefore, the proposal is deemed acceptable subject to condition securing the works are carried out in accordance with the submitted information and a condition relating to provision of a soft landscaping scheme.
- 6.47 The proposed development would therefore be in accordance with Policies CS18 and CS19 of the West Berkshire Core Strategy Development Plan Document (2006-2026).

## 7. Planning Balance and Conclusion

- 7.1 The proposal has been carefully assessed to ensure that the replacement dwelling is appropriate in scale and design whilst taking into consideration the impact on the character and appearance of the area including the conservation area.
- 7.2 The altered position of the replacement dwelling has been carefully considered would allow for improved visibility splays and sight lines which in turn would improve overall highway safety. It is considered that these public benefits would outweigh the less than substantial harm caused to the Conservation Area by the slight set back from the road edge.
- 7.3 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and development plan policies and is therefore recommended for APPROVAL.

## 8. Full Recommendation

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

### **Conditions**

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Construction Method Statement Dated February 2024 received 4<sup>th</sup> April 2024; CMS Site Plan received 10<sup>th</sup> April 2024; Location Plan 210343-01 received 11<sup>th</sup> March 2024; Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan 22.1549 Rev A Dated February 2024 received 11<sup>th</sup> March 2024; SuDS Statement 3908 Rev C dated June 2023 received 11<sup>th</sup> March 2024; Verge and eave details 210343-12 received 11<sup>th</sup> March 2024; Proposed Plans 210343-15 Rev C received 31<sup>st</sup> May 2024.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Brickwork</b></p> <p>Existing bricks, which are to be removed as part of the proposal, shall be reused in the proposed works. Where the use of new/reclaimed bricks are required to be used where insufficient numbers of salvageable bricks are available, no development shall take place until a sample of the new/reclaimed brick has been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.</p> <p>Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>

4.	<p><b>Roof details</b></p> <p>No works shall take place to the roof until full details of the eaves, fascia, verges and ridge, at a minimum scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.</p> <p>Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
5.	<p><b>Doors and windows</b></p> <p>No new external doors and windows shall be fitted until working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing the new / or replacement windows and/or external doors (cross sections for full glazing bars, sills, heads etc.) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved specification and retained thereafter.</p> <p>Reason: To ensure that the proposed works can be affected without detriment to the special architectural and historic interest of the heritage assets and to ensure a satisfactory appearance to the development and to comply with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
6.	<p><b>Materials</b></p> <p>No above ground development shall take place until a schedule of all materials and finishes visible external to the building have been submitted to and approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. All materials incorporated in the work shall match the approved samples.</p> <p>Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
7.	<p><b>Services</b></p> <p>No above ground development shall take place until details of services visible external to the building, to include, drainage pipework (including soil vent pipe terminations) and accessories, rainwater goods, boiler flues, extract vent grilles, meter cupboards, external lighting etc. have been submitted to and approved in writing by the Local Planning Authority. Thereafter the new or modified external services shall be installed in accordance with the approved details.</p> <p>Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
8.	<p><b>New Brickwork</b></p> <p>All new facing brickwork (including the main dwelling and the front boundary wall), including works of making good, shall match the existing brickwork in terms of bricks (size, colour and texture); mortar (mix, colour and texture); joint profile; and bond.</p> <p>Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
9.	<p><b>Roof Tiles</b></p> <p>Existing roof tiles from the main roof, which are to be removed as part of the proposal, shall be reused in the proposed works. Where insufficient numbers of salvageable</p>

	<p>roof tiles are available, new handmade/reclaimed roof tiles to match the existing roof tiles shall be used.</p> <p>Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
10.	<p><b>EVCP</b></p> <p>The dwelling shall not be occupied until details of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric vehicle.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
11.	<p><b>CMS</b></p> <p>The development shall be carried out in accordance with the approved Construction Method Statement and site set-up plan.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
12.	<p><b>Vis Splays</b></p> <p>The dwelling shall not be occupied until the visibility splays at the access have been provided in accordance with drawing number Proposed Plans 210343-15 Rev C received 31<sup>st</sup> May 2024. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.</p> <p>Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026)</p>
13.	<p><b>Parking</b></p> <p>The dwelling shall not be occupied until the vehicle parking and turning space have been surfaced and provided in accordance with the approved plan(s). The parking and turning space shall thereafter be kept available for parking at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
14.	<p><b>Temporary access</b></p> <p>The temporary vehicular access(es) at the site shall be stopped up on completion of works and be reinstated to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interest of road safety and highway maintenance. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
15.	<p><b>SUDS</b></p>

	<p>The development hereby permitted shall be undertaken in accordance with the SuDS Statement 3908 Rev C dated June 2023 received 11<sup>th</sup> March 2024. The strategy and maintenance measures described in the statement shall be implemented in full before the development is brought into use. Thereafter the drainage measures shall thereafter be carried out and retained in accordance with the approved details.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).</p>
16.	<p><b>Bat Surveys and Mitigation</b></p> <p>Prior to the commencement of development (including site clearance), updated bat emergence/return to roost surveys shall be carried out and the results shall be submitted to and approved in writing by the Local Planning Authority. The number of emergence surveys required shall be dependent on an updated assessment of bat roosting potential based on evidence from updated external and internal inspections for potential roosting features. If bats are confirmed to be roosting, a bat mitigation strategy along with measures to enhance the sites for bats shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required due to the original survey work needing to be repeated because the survey data being out of date before commencement of development and to confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased or decreased within the site.</p>
17.	<p><b>Construction Environmental Management Plan (biodiversity)</b></p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ol style="list-style-type: none"> <li>a) Risk assessment of potentially damaging site clearance and construction activities;</li> <li>b) Identification of 'biodiversity protection zones';</li> <li>c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts to protected species during site clearance and construction (may be provided as a set of method statements);</li> <li>d) The location and timing of sensitive works to avoid harm to biodiversity features;</li> <li>e) The times during site clearance and construction when specialist ecologists need to be present on site to oversee works;</li> <li>f) Responsible persons and lines of communication;</li> <li>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;</li> <li>h) Use of protective fences, exclusion barriers and warning signs.</li> </ol> <p>The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the site clearance and construction period in accordance with the approved details.</p> <p>Reason: To ensure that any adverse environmental impacts of development activities are avoided or suitably mitigated in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-</p>

	<p>commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
18.	<p><b>Ecological Enhancements</b></p> <p>Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native species planting where possible. The approved details will be implemented and thereafter retained.</p> <p>Reason: To minimise impacts on and provide net gains for biodiversity in accordance with the requirements of the NPPF and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
19.	<p><b>Lighting Design</b></p> <p>No external lighting shall be installed to the dwelling until a “lighting design strategy for biodiversity” has been submitted and approved in writing by the local planning authority. The strategy shall:</p> <ol style="list-style-type: none"> <li>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</li> <li>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</li> </ol> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
20.	<p><b>Ecological Enhancements</b></p> <p>The dwelling shall not be occupied until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include the installation of bat and bird nesting boxes along with provision of generous native species planting. Thereafter, the dwelling shall not be occupied until the measures have been installed/constructed in accordance with the approved detail.</p> <p>Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
21.	<p><b>AIA, Tree Survey and Method Statement</b></p> <p>The Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan 22.1549 Rev A Dated February 2024 received 11<sup>th</sup> March 2024 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.</p>

	<p>Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies ADPP1, ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
22.	<p><b>Soft Landscaping</b></p> <p>The dwelling shall not be occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft 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.</p> <p>Reason: A comprehensive soft landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.</p>
23.	<p><b>Hard Landscaping</b></p> <p>The dwelling shall not be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.</p>
24.	<p><b>Permitted development restriction (extensions)</b></p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, AA, B and C of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (June 2006).</p>
25.	<p><b>Obscure glazing of windows</b></p>

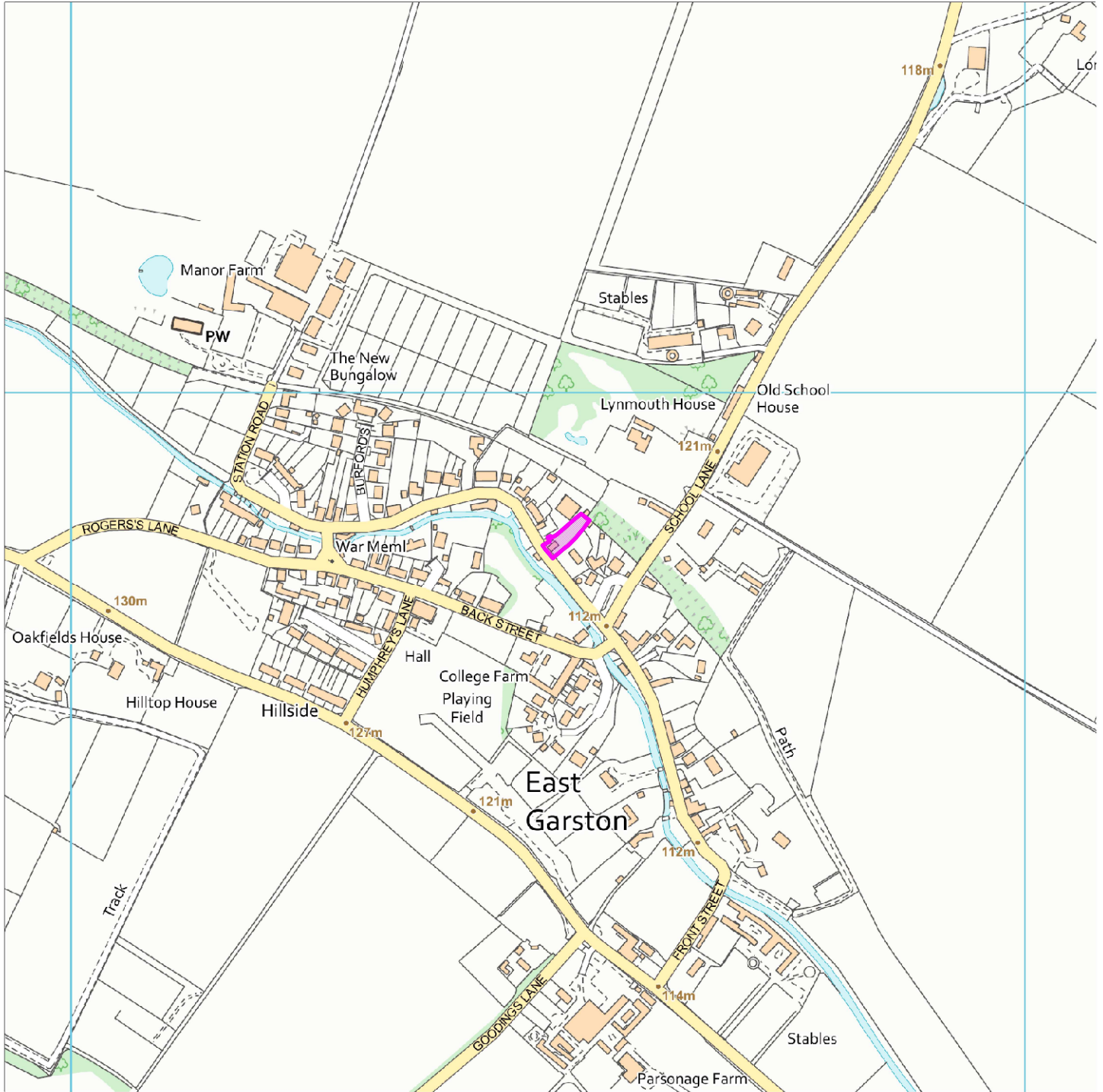


	<p>The bathroom window at first floor level in the south-east elevation shall be fitted with obscure glass before the dwelling hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.</p> <p>Reason: To prevent overlooking of adjacent properties, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>
26.	<p><b>Permitted development restriction (windows/dormers)</b></p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at first floor level on the south-east elevation of the dwelling hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent overlooking of adjacent properties, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>

### **Informatives**

1.	Proactive
2.	CIL
3.	<p>HI 1 Access Construction</p> <p>The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or <a href="mailto:highwaysassetmanagement@westberks.gov.uk">highwaysassetmanagement@westberks.gov.uk</a> should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.</p>
4.	<p>HI 3 Damage to footways, cycleways and verges</p> <p>The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.</p>
5.	<p>HI 4 Damage to the carriageway</p> <p>The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.</p>
6.	<p>HI 8 Excavation in close proximity to the highway</p> <p>In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority. Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or <a href="mailto:highwaysmaintenance@westberks.gov.uk">highwaysmaintenance@westberks.gov.uk</a></p>
7.	<p>HI 9 Incidental works affecting the highway</p> <p>Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport &amp; Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.</p>

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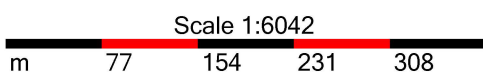
Map Centre Coordinates :

Scale : 1:6042

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	06 June 2024
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	22/01899/FUL Mr Charles Doherty	3 <sup>rd</sup> October 2022 <sup>1</sup>		Change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan, and the proposed erection of 1 dayroom per pitch.  Land West Of Pumping Station, Enborne Row, Wash Water  Mr Charles Doherty

<sup>1</sup> Extension of time agreed with applicant until 21<sup>st</sup> June 2024

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01899/FUL>

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

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

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

**Committee Site Visit:** 17<sup>th</sup> June 2024

## Contact Officer Details

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

## 1. Introduction

- 1.1 This application seeks planning permission for change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan, and the proposed erection of 1 dayroom per pitch.
- 1.2 The application site is an agricultural field located to the northern bank of the River Enborne and the edge of the North Wessex Downs National Landscape, to the east is a pumping station and the northern boundary faces the main road Enbourne Row, Wash Water. The area is surrounded by scattered dwellings and agricultural fields.
- 1.3 The site has been previously approved 21/01519/FUL for construction of stabling and hard standing, change of use from agricultural to a mixed agricultural/equestrian use and soft landscaping scheme. This permission has been implemented with the stables constructed and landscaping carried out.
- 1.4 The unauthorised works currently on-site including hardstanding and installation of mobile homes and vehicles not in relation to the implemented permission 21/01519/FUL commenced on 2<sup>nd</sup> June 2022. A temporary stop notice was served on the site on the 6<sup>th</sup> June 2022 in relation to these works only.
- 1.5 The proposal seeks to provide an improved scheme to what is currently unauthorised development on the site. The proposal includes change of use of the land for 2 gypsy/traveller pitches each pitch consisting of the siting of 1 mobile home, 1 touring caravan, and erection of 1 dayroom per pitch
- 1.6 The application site is located in open countryside as defined by Core Strategy Policy ADPP1 (outside of any defined settlement boundary). The land falls outside of, but within the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The existing lawful use of the site is as equestrian/agricultural.

### ***Caravans legislation***

- 1.7 Section 29(1) of the Caravan Sites and Control of Development Act 1960 (as amended) sets out that a caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. Section 13(1) of the Caravan Sites Act 1968 (as amended) defines a twin-unit caravan as a structure designed or adapted for human habitation which is, (a) composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) when assembled it is physically capable of being moved by road from one place to another. Touring caravans, static caravan and various mobile homes constitute 'caravans' under the above legislation.
- 1.8 Caravans are not normally regarded as buildings or operational development under the Planning Acts. The application proposes the redevelopment of the site comprising a use which would enable the siting of caravans on plots. For this reason, it is not necessary to provide plans of individual caravans, and in assessing this application it must be recognised that different caravans may come and go over time.

## 2. Planning History

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

Application	Proposal	Decision / Date
20/02039/FUL	Construction of stabling and hard standing. Change of use of agricultural to a mixed agricultural/equestrian use. Soft landscaping scheme.	Refused / 09.04.2021
21/01519/FUL	1. Construction of stabling and hard standing; 2. Change of use from agricultural to a mixed agricultural/equestrian use; 3. Soft landscaping scheme.	Approved / 30.12.2021

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Consideration has been given to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not fall within any of the categories of development listed in Schedule 1, and is therefore not automatically EIA development in this respect. Development listed in Schedule 2 of the Regulations only requires screening if it meets/exceeds the relevant threshold or is located within a 'sensitive area' as defined by the Regulations. Paragraph 10(b) relates to 'urban development projects', and Paragraph 12(e) relates to "permanent camp sites and caravan sites". Under either paragraph, the relevant threshold for EIA screening is 1 hectare. The application site measures less than 1 hectare, and it is not located within a 'sensitive area'. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was placed on the application site on 25<sup>th</sup> August 2022, with a deadline for representations of 16<sup>th</sup> September 2022.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

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

Job Creation	No	No	
Local Authority Project	No	No	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). The day rooms are CIL chargeable but not the caravans.
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 As the proposal directly affects gypsies and travellers, a group with protected characteristics, particular regard is required to these objectives. The proposals will result in accommodation on the site, and as such it is considered that the proposal has a positive effect under the Equalities Act and is consistent with the aforementioned objectives.
- 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 The proposals will result in accommodation on the site, and as such it is considered that the proposed development would not prejudice the Human Rights of the applicant or any third party (including future residents of the development or nearby residents).
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. No listed buildings are considered to be materially affected by the proposals.
- 3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No conservation areas are considered to be materially affected by the proposals.

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Enborne Parish Council:</b>	Object – Retrospective aspect of application. Impact on landscape adjacent AONB, buildings not in character with existing settlements and remote homes and outside settlement boundary. Impact on biodiversity and nature conservation including disturbance to otters, mitigation measures such as buffer zone next to river, no light spillage, access to watercourse carefully controlled. Impact from pollution from onsite waste facilities. Groundwater Flooding and Surface Flooding, groundwater protection zone and impact tarmac has on surface run off and flood risk downstream. No provision is made in the planning application for an attenuation pond to mitigate the increase runoff from the estate homes, day rooms and tarmacked area. Overall, site not suitable for residential development.
<b>Basingstoke and Dene District Council:</b>	No Objection
<b>East Woodhay Parish Council:</b>	Object – AONB and the character of the proposed settlement, proposed development is immediately adjacent to the AONB and is inappropriate development for this designated area. Proposed buildings are not in character with the existing small settlements and remote homes in Enborne Parish. There are no estates of pre-fabricated park homes in the Parish of Enborne or East Woodhay. Planning was granted for this land to be changed into an equestrian centre – this is completely different to the original application and not acceptable in any form. Impact on wildlife

	fareway such as otters and mitigation measures are essential. River Nutrient Levels and Effluent Treatment impact on the River Enborne. Groundwater Flooding and Surface Flooding, groundwater protection zone and impact tarmac has on surface run off and flood risk downstream.
<b>WBC Highways:</b>	Conditional Approval
<b>Policy:</b>	No Objections
<b>SUDS:</b>	Conditional Approval
<b>EA:</b>	Conditional Approval
<b>Thames Water:</b>	No Objections
<b>BBOWT:</b>	No Response
<b>Natural England:</b>	No Response
<b>Ecology:</b>	Conditional Approval

### ***Public representations***

- 4.2 Representations have been received from 25 contributors, 2 of which support, and 23 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Retrospective nature of development
  - Pollution
  - Potential for more plots on the site
  - Outside settlement boundary
  - Out of keep with local rural area
  - Breach of planning rules – set a precedent
  - Lack of horses on site
  - Flood risk/drainage/ground water protection
  - Ecology impacts
  - Against policy
  - Highways impacts
  - Previously derelict land now maintained and visually improved
  - Integrate into the local community

## **5. Planning Policy**

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

- Policies ADPP1, ADPP2, ADPP5 (adjacent), CS4, CS5, CS7, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 and TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 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)
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Planning Policy for Traveller Sites (PPTS)
- Planning Obligations SPD (2015)

5.3 The main issues for consideration in this application are:

- Whether the proposal complies or conflicts with the statutory development plan in principle.
- Whether the proposal complies or conflicts with national planning policy on gypsy and traveller sites.
- Local need and supply.
- Traveller site selection considerations.
- Highways and transport impacts.
- Landscape and visual impacts.
- Neighbouring amenity.
- Flood risk and sustainable drainage.
- Ecology

### ***The West Berkshire Development Plan***

5.4 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF provides a presumption in favour of sustainable development (paragraph 11), which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Conversely, paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

5.5 Paragraph 11d of the NPPF gives a 'tilted balance' in favour of granting permission where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. The development plan includes relevant development plan policies which are consistent with the NPPF and up-to-date. The 'tilted balance' of paragraph 11d is therefore not engaged.

5.6 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP2 and CS7 of the Core Strategy, and Policy TS3 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP2) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS7 and TS3 relate to gypsy and traveller sites.

- 5.7 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy and related to their transport accessibility and level of services. The urban areas will be the focused for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 5.8 Policy ADPP2 is the spatial strategy for Newbury. However, it is not considered to include any points which are directly relevant to this proposed development.
- 5.9 **Policy CS7 (Gypsies, Travellers and Travelling Showpeople)** is the principal development management policy for this proposed development. It reads as follows (bullet points have been replaced by letters for ease of reference):

*'To meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. The requirement for transit sites will be addressed through the same DPD.'*

*In allocating sites, and for the purpose of considering planning applications relating to sites not identified in the relevant DPD, the following criteria will need to be satisfied for sites outside settlement boundaries:*

- a) *Safe and easy access to major roads and public transport services;*
- The Enborne Row is a local rural distributor road of good quality and capacity
- b) *Easy access to local services including a bus route, shops, schools and health services;*
- Whilst the application location is outside the settlement boundary, the nearby settlements of Enborne Row and Newbury have a very good range of facilities including shops, schools, churches.
- c) *Located outside areas of high flooding risk;*
- The application site is located in Flood Zone 1 and a high risk surface water area with parts of the site closest to the River Enborne within Flood zones 2 and 3.
- d) *Provision for adequate on site facilities for parking, storage, play and residential amenity;*
- The proposal includes adequate on site facilities, including parking, amenity areas and day rooms.
- e) *The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;*
- The application site is some distance from the closest neighbours however the application is for a small site which allows for adequate privacy and residential amenity.
- f) *Opportunities for an element of authorised mixed uses;*
- No mixed use is proposed.

- g) *The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;*
- The site is well screened and there are no sensitive adjoining land uses which might be affected by the scheme.
  - h) *Will not materially harm the physical and visual character of the area;*
  - i) *Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.'*
- (h) and (i) are assessed below.

5.10 To give clarity on the supporting information expected from development proposals a detailed planning considerations policy is included within the Housing Site Allocations DPD. **Policy TS3 (Detailed Planning Considerations for Travellers Sites)** reads as follows (bullet points have been replaced by letters for ease of reference):

*'Proposals for development will be expected to comply with policies within the West Berkshire Development Plan and have regard to guidance outlined in the Government's good practice guide on Designing Gypsy and Traveller Sites where appropriate. In addition proposals will:*

- a) *Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).*
- b) *Incorporate appropriate vehicle access and turning space.*
- c) *Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.*
- d) *Be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose.*
- e) *Provide a mix of residential and business use where appropriate.*
- f) *Provide a Flood Risk Assessment in accordance with Policy CS16 of the adopted Core Strategy.*
- g) *Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).*
- h) *Include measures to improve accessibility by, and encourage use of, non-car transport modes. These measures should be set out in a Travel Plan for the site.*
- i) *Identify internal walking routes and show how they will be linked to existing routes including the Public Rights of Way network. They will also take advantage of the landscape features of value within the site. Opportunities to improve external routes to services and facilities will be sought.*

- j) *Identify measures to be provided to mitigate the impact of development on the local road network as identified by a site specific Transport Assessment or Transport Statement.*
- k) *Identify appropriate green space/green infrastructure in line with the Council's adopted standards as set out in Policy RL1 of the Local Plan 1991 – 2006 (Saved Policies 2007).*
- l) *Provide necessary infrastructure to meet the needs that arise from the development as a whole, in accordance with both the most up to date Infrastructure Delivery Plan (IDP) and through conformity with the appropriate standards.*
- m) *Provide a Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual impact Assessment 3rd ed. 2013.*
- n) *This will inform the development design and layout of the site and requirements for green infrastructure.*
- o) *Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.*
- p) *Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.*
- q) *Provide a design, layout and siting plan for the development.'*

5.11 All of the points above are examined under relevant section headings below.

5.12 The current development plan period runs up to 2026. The Council is in the process of reviewing its Local Plan to cover the period up to 2037. A Regulation 18 consultation on the emerging draft plan has taken place. The draft plan includes Policy DC19 (Gypsies, travellers and travelling showpeople), which would replace and consolidate Policies CS7 and TS3. Whilst emerging Policy DC19 attracts only limited weight at this stage, it should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward.

5.13 Overall, the requirements of Policy TS3 are detailed to address all potential considerations that may relate to new and existing sites.

### ***Emerging policies***

5.14 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.15 The current development plan period runs up to 2026. The Council is in the process of reviewing its Local Plan to cover the period up to 2039. A Regulation 19 consultation

on the emerging draft plan has taken place, and the plan submitted for Examination in Public by the Planning Inspectorate. The draft plan includes Policy DM20 (Gypsies, Travellers and Travelling Showpeople), which would replace and consolidate Policies CS7 and TS3. Whilst emerging Policy DM20 attracts only limited weight at this stage, it should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward. The policy also seeks to safeguard existing gypsy and traveller sites, and locate sites on previously developed land where possible. It states:

*'Existing authorised sites for Gypsy, Traveller and Travelling Showpeople will be safeguarded for use by Gypsy and Travellers and Travelling Showpeople, unless acceptable replacement accommodation/pitches/plots can be provided. This is to ensure there remains a good supply of pitches and plots in the district.'*

### **National planning policy**

- 5.16 The **National Planning Policy Framework (NPPF)** at paragraph 63 states 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including travellers). A footnote in the NPPF then states *'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document'*.
- 5.17 The DCLG publication **Planning policy for traveller sites (PPTS) (August 2015)** sets out the Government's planning policy for traveller sites, which should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- 5.18 According to paragraph 24 of the PPTS, local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) The existing level of local provision and need for sites
  - b) The availability (or lack) of alternative accommodation for the applicants
  - c) Other personal circumstances of the applicant
  - d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
  - e) That they should determine applications for sites from any travellers and not just those with local connections
- 5.19 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 5.20 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land

- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

5.21 All of the points above are examined under relevant section heading below, where relevant to the proposed development.

### **Local need and supply**

5.22 According to the PPTS, the local planning authority should consider the existing level of local provision and need for sites. The Council has a legal duty to plan for adequate accommodation for the Gypsy and Traveller community.

5.23 The Council has a Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2014 in accordance with the GTAA practice guidance applicable at that time. This was used to inform the pitch target and policy in the HSA DPD. This GTAA has been updated, particularly as it predated the change to the definition of ‘traveller’ in the revised PPTS in August 2015.

5.24 The GTAA 2021 provides an update to the 2019 version, to understand an updated 5-year supply position. The GTAA consultant already applies a filter to the PPTS need to take account of the circumstances of those who ceased travelling permanently. This was explained more fully in the Lawrence’s Lane, Thatcham appeal, and reflecting in the Planning Inspectorate’s decision notice. It is therefore still considered appropriate to assess the need using this PPTS filter.

<b>Table ES1 Plan period Gypsy and Traveller pitch need 2021/22 to 2037/38</b>		
	<b>Cultural need</b>	<b>Of which: PPTS need</b>
<b>5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)</b>	<b>13</b>	<b>9</b>
<b>Longer-term need</b>		
<i>Over period 2026/7 to 2030/31 (B)</i>	5	3
<i>Over period 2031/32 to 2035/36(C)</i>	9	6
<i>Over period 2036/37 to 2037/38(D)</i>	3	2
<i>Longer-term need TOTAL to 2037/38 (13 years) E=(B+C+D)</i>	<b>17</b>	<b>11</b>
<b>NET SHORTFALL 2021/22 to 2037/38 (A+E) (17 years)</b>	<b>30</b>	<b>20</b>

5.25 The Council has allocated a site at Paices Hill as part of the Housing Site Allocations Development Plan Document (Policy TS1), to convert 8 of the 16 transit pitches to permanent pitches. This policy is proposed to be carried forward in the Local Plan Review (Policy TSA24), and benefits from planning permission. Thus, 8 of the 9 permanent pitches needed in the 5 year period to 2025/26 are accounted for in terms of allocations. The Council are seeking to redevelop the Council operated site at Four Houses Corner. Before the site was decanted of residents there were 16 pitches counted in the GTAA. It is planned to redevelop the site for 17 pitches and planning permission has been approved recently. Thus, the additional pitch enables the Council to demonstrate that it has a 5 year supply of Gypsy and Traveller sites when measured against the PPTS. This was confirmed by recent appeal decisions, one for a Gypsy and Traveller pitch on land at Ermin Street, Lambourn (reference APP/W0340/W/22/3292939 21/02045/FUL) and one for 7 Gypsy and Traveller pitches



on land at Lawrence's Lane, Thatcham (reference APP/W0340/W/22/3292211 21/02012/FUL). The permitted site at Ermin Street, Lambourn further increases the supply by one additional pitch.

- 5.26 As the above table illustrates there is an overall need in the plan period for 30 pitches, or 20 pitches in applying the PPTS filter. Taking into account the planned 8 permanent pitches at Paices Hill, Aldermaston, additional pitch at Four Houses Corner, and permitted pitch at Ermin Street, Lambourn, the need reduces to 20 pitches, or 10 pitches in applying the PPTS filter.
- 5.27 Demonstrating a 5 year supply is an important requirement for the Council, as set out in the PPTS. However, as a result of the Lisa Smith Court of Appeal decision Local Planning Authorities are encouraged to review all of its need. In this regard, the Council are 3 pitches short of meeting its overall requirement in the short term, when taking the supply of Paices Hill, Four Houses Corner and Ermin Street, Lambourn into account. The proposed pitches would therefore aid in meeting the short-term need.
- 5.28 The appeal decision for Lawrence's Lane recognised that the Council had a need for more Gypsy and Traveller pitches, and moderate weight was given to this. However, the Inspector concluded that the GTAA 2021 identifies only a small cultural shortfall and that the Council are taking steps to address it, through the preparation of a Gypsy and Travellers Accommodation Development Plan Document. Moderate weight was given to the general cultural need for additional pitches. Since the appeal decision work has commenced on the Gypsy and Traveller Accommodation Assessment DPD, and a recent 'call for sites' did not yield a high response rate, with only one site being put forward for consideration. Options are currently being explored to meet the longer-term need. As outlined above the site would contribute to meeting the Council's identified need.

### ***Traveller site selection***

#### **Traveller sites in open countryside**

- 5.29 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 5.30 The application site is located outside of any defined settlement boundary, and is therefore regarded as "open countryside" in terms of Policy ADPP1. It is, however, close to the settlement boundary of Newbury, a top tier "urban area" in the district settlement hierarchy of Policy ADPP1.
- 5.31 In this respect, it is not considered to be "*development in the open countryside that is away from existing settlements*". Whilst it is not allocated in the development plan, Policy CS7 gives criteria against which to assess such sites. Owing to the size of the site in comparison to the size of Enborne Row and then Newbury, it is not considered that the site would be inconsistent with the scale of, or dominate, the existing settlement. The introduction of two households would not place undue pressure on local infrastructure. As such, the proposed development is considered to comply with paragraph 25 of the PTSS.

#### **Effective use of previously developed, untidy or derelict land**

5.32 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the effective use of previously developed (brownfield), untidy or derelict land. This is consistent with the wider national and local policy. The NPPF glossary defines PDL as follows:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

5.33 The site benefits from a previous permission 21/01519/FUL; the stable block has been built and landscaping has been carried out therefore this permission has been implemented.

5.34 Whilst the existing lawful use of the site is agricultural/equestrian use with stable building and associated works. Due to the nature of the site with little built development it is still considered to be greenfield land and therefore does not meet the NPPF definition of previously developed land as set out above. Therefore, the policy objective to make effective use of previously developed land is of little weight in this instance.

5.35 Previously the land has been overgrown and subject to illegal dumping of waste. Whilst this has now been removed which has resulted in visual improvement of the land, it is considered that very limited weight should be applied to this consideration.

### **Assessment of principle of development**

5.36 The proposed development is considered to comply with the aforementioned policies of the West Berkshire Development Plan, the emerging policies in the Local Plan Review, and the relevant national policies. The creation of sites is specifically identified as necessary by the emerging policies, in recognition of the need and supply set out above.

5.37 The proposal is for the provision of 2 new pitches which would meet the Council's identified short-term need as set out in the section above.

### **Highways and transport**

5.38 Policy CS13 in the Core Strategy is the principal policy against which the application needs to be addressed. The highways officer has carefully examined the proposal in the light of this policy and has concluded that conditional permission is appropriate based on the following:

- a) The internal layout is accepted as is the parking provision including 2 x parking spaces for each plot and 2 x parking spaces by the existing stable block.
- b) The access is surfaced 3m back from the carriageway – this is already existing.
- c) The traffic generation issue is not a matter with which the Local Highways Authority is concerned, given the existing and proposed use of the site.

5.39 Accordingly the proposed development is considered to comply with Policy CS13.

## ***Landscape and visual impact***

- 5.40 The application site lies in the *UV4 Enborne Upper Valley Floor* designation in the West Berkshire Landscape Character Assessment of 2019. The principal features of this area is that it has a far flatter topography, with the valley being narrow with no defined slopes. The land use is predominantly mixed agriculture with some large tracts of deciduous woodland. Settlement is sparse and where present lacks any consistent character. The area is intruded by multiple busy roads which degrade the local character of the area. As the area is quite flat and well-wooded there are limited views out of the landscape.
- 5.41 To the south of the site is an existing mature vegetation, to the east of the site is an existing pumping station building. Since the construction of the stable building post and rail fencing has been erected to secure the site; further soft landscaping has been added to the boundaries.
- 5.42 The site is very well screened from longer and shorter distance views by the mature vegetation. The introduction of further soft landscaping will permit a greater degree of intervisibility across the site which will improve the locality.
- 5.43 The height of the new buildings will be limited to single storey only, the day rooms being circa 4.2m to ridge and the caravans typically being no more than 3.5 m in height. This will help to reduce any localised visual impact. Having regard to policy CS19 in the Core Strategy, which encourages new development not to be harmful visually or indeed harm the local landscape itself, your officers consider that the level of impact will be minimal and so acceptable under Policy CS19. It is also important to note that no special landscape designation washes over the application site, such as a National Landscape (former AONB).

## ***Design***

- 5.44 According to Policy CS14, good design relates not only to the appearance of a development, but the way in which it functions. Consistent with the PPTS, Policy CS7 seeks the provision for adequate on-site facilities for parking, storage, play and residential amenity. Policy TS3 states that proposals will (amongst other considerations): (1) include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design; (2) be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose; and (3) Provide a design, layout and siting plan for the development.
- 5.45 The *Designing Gypsy and Traveller Sites Good Practice Guide* (DCLG, May 2008) is now cancelled, but sought to establish and summarise the key elements needed to design a successful site. Although the guidance was formally cancelled, in the absence of any updated guidance it continues to provide a useful reference.
- 5.46 In terms of design, it is considered that the layout and orientation of the proposed pitches is considered acceptable, offering a reasonable level of privacy and natural surveillance. The layout of the site allows for reasonable levels of privacy for individual plots and good natural surveillance given its small scale.
- 5.47 Each plot has a sufficient amount of useable amenity space which is private from the road by fencing and vegetation, the plots are also separated by low hedging to offer privacy for each plot.
- 5.48 The proposal is considered to represent a significant enhancement, in accordance with the aforementioned policies. Historically the application site has been overgrown and been subject to dumping of waste materials – the land has been improved in quality

since permission 21/01519/FUL was granted with clearance of dumped waste material and planting of soft landscaping visually improving the land.

### ***Sustainable construction***

- 5.49 The zero carbon requirements in Policy CS15 of the Core Strategy do not apply as the proposal is not a major development.

### ***Neighbouring amenity***

- 5.50 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the National Planning Policy Framework.
- 5.51 West Berkshire Core Strategy Core Strategy Policy CS14 states that new development must make a positive contribution to the quality of life in West Berkshire.
- 5.52 Due to the location of the proposal and the distance from neighbouring dwelling at over 200m there is not any concern for impact on wider neighbouring amenity.
- 5.53 The two pitches are located next to each other with a boundary hedge separating the two plots; this will allow for adequate private amenity space for each plot.
- 5.54 Overall, there is not considered to be a signification impact on neighbouring amenity and the proposal complies with the NPPF and Policy CS14 of the Core Strategy.

### ***Drainage***

- 5.55 The site is within flood zone 1 but is adjacent to flood zones 2 and 3 and is within a surface water risk area and a Source protection Zone 1 area as well as being located just to the north of the River Enborne.
- 5.56 The Environment Agency were consulted and objected to the proposal due to the lack of a flood risk assessment (FRA).
- 5.57 A Flood Risk Assessment was submitted on 6<sup>th</sup> December 2022 however the council drainage team objected to this. The Environment Agency also maintained their objection due to insufficient information.
- 5.58 A drainage strategy was submitted on 24<sup>th</sup> May 2023 the council drainage team removed their objection subject to comments from the Environment Agency. The Environment Agency removed their objection subject to a planning condition be attached to any permission which requires the development to be carried out in accordance with the submitted Flood Risk Assessment, no changed in of ground levels and the securing of mitigation measures.
- 5.59 The Environment Agency provided advice for the applicant regarding groundwater protection and environmental permits for sewage effluent discharge and flood risk.
- 5.60 Overall, the proposal meets policy CS16 due to the objections from the council drainage team and the Environment Agency have been overcome subject to conditions.

## **Ecology**

- 5.61 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance.
- 5.62 Development which may harm, either directly or indirectly,
- (a) locally designated sites (Local Wildlife Sites and Local Geological Sites), or
  - (b) habitats or species of principal importance for the purpose of conserving biodiversity, or
  - (c) the integrity or continuity of landscape features of major importance for wild flora and fauna
- 5.63 will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.
- 5.64 The application has been supported by an Ecological Assessment (comprising an extended phase 1 habitat and protected species scoping survey and preliminary bat roost assessment) however further information was required by the council ecologist.
- 5.65 Further information was provided on 12<sup>th</sup> February 2024, and this was assessed by the council ecologist who removed their objection subject to a condition requiring the development is carried out in accordance with the information submitted.
- 5.66 Overall, it is concluded that the proposed development complies with Policy CS17 and the relevant legislation subject to the imposition of the recommended conditions.

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

- 6.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The application site makes a contribution to the overall supply of gypsy and traveller pitches within the district. The proposal helps to meet the Council's short term need for sites which carries a significant weight within the planning balance.
- 6.3 The design of the site is a significant improvement over that of the historic land which was used for fly tipping, however this is only given very limited weight as the fly tipping was a criminal activity which the Council can take legal action against. However weight can be attached to sites that are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. The design is considered acceptable by providing suitable amenity space with suitable use of soft landscaping as well as maximising natural surveillance across the site which helps to contribute to an enhanced sense of place and ownership. This weighs in favour of the proposal.

- 6.4 Concerns were raised with regards to ecology, flooding and drainage however further information has been provided and assessed by consultees and deemed acceptable subject to conditions. Therefore, this weighs in favour of the proposal.
- 6.5 Overall, having regard to the relevant development plan policies and material considerations it is concluded that the reasons for granting planning permission significantly and demonstrably outweigh any potential adverse impacts in planning terms. A collection of conditions is recommended that will ensure that the development is carried out in a way that is acceptable in planning terms.
- 6.6 The application is recommended for **conditional approval**.

## 7. Full Recommendation

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

### **Conditions**

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>Proposed Site Plan J004098-DD-03 Rev A received 8<sup>th</sup> August 2022;  Proposed Day Room Plans J004098-DD-04 received 8<sup>th</sup> August 2022;  Location Plan J004098-DD-01 Rev A received 8<sup>th</sup> August 2022;  Proposed Section and Levels J004098-DD-05 received 8<sup>th</sup> August 2022;  Supporting Statement received 8<sup>th</sup> August 2022;  Landscape and Visual Impact Assessment received 7<sup>th</sup> February 2023;  Flood Risk Assessment dated May 2023 received 24<sup>th</sup> May 2023;  Surface Water Drainage Strategy received 31<sup>st</sup> May 2023;  Biodiversity Metric received 12<sup>th</sup> February 2024;  Ecological Impact Assessment dated February 2024 received 12<sup>th</sup> February 2024.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Materials</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
4.	<p><b>Parking</b></p>

	<p>No pitch shall be first occupied until vehicle parking spaces for that pitch have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
5.	<p><b>EA</b></p> <p>The development shall be carried out in accordance with the submitted flood risk assessment compiled by Flume Consulting Engineers, referenced 1292, revision 2 and dated May 2023 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> <li>• There shall be no development on site in Flood Zone 2 or Flood Zone 3 all in accordance with Figure 3 on page No 5.</li> <li>• There shall be no raising of existing ground levels on site in Flood Zone 2 or Flood Zone 3 all in accordance with paragraph 2 of page No 5.</li> </ul> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: In line with the requirements of paragraph 167 of the NPPF, to reduce the risk of flooding to the proposed development and future occupants for the lifetime of the proposed development. To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of flood plain storage. To prevent obstruction to the flow and storage of flood water, which would lead to an increase in flood risk elsewhere.</p>
6.	<p><b>Ecology</b></p> <p>The works shall be carried out strictly in accordance with the details submitted in the ecological impact assessment:</p> <ul style="list-style-type: none"> <li>• Section 1.6 Surface water drainage strategy of the Ecological impact assessment (February 2024, DJOGS Limited).</li> <li>• Section 1.7 Landscape and Ecological enhancement scheme of the Ecological impact assessment (February 2024, DJOGS Limited).</li> <li>• Section 5.2 Mitigation measures and residual effects of the Ecological impact assessment (February 2024, DJOGS Limited).</li> <li>• Section 6.2 Recommendations; Essential of the Ecological impact assessment (February 2024, DJOGS Limited).</li> <li>• Section 6.2 Recommendations; Desirable, where applicable, of the Ecological impact assessment (February 2024, DJOGS Limited).</li> </ul> <p>Reason: To avoid adverse impacts to legally protected species during site clearance and construction in accordance with the requirements of the NPPF to minimise impacts on biodiversity.</p>
7.	<p><b>External lighting</b></p> <p>No external lighting shall be installed at the site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone</p>

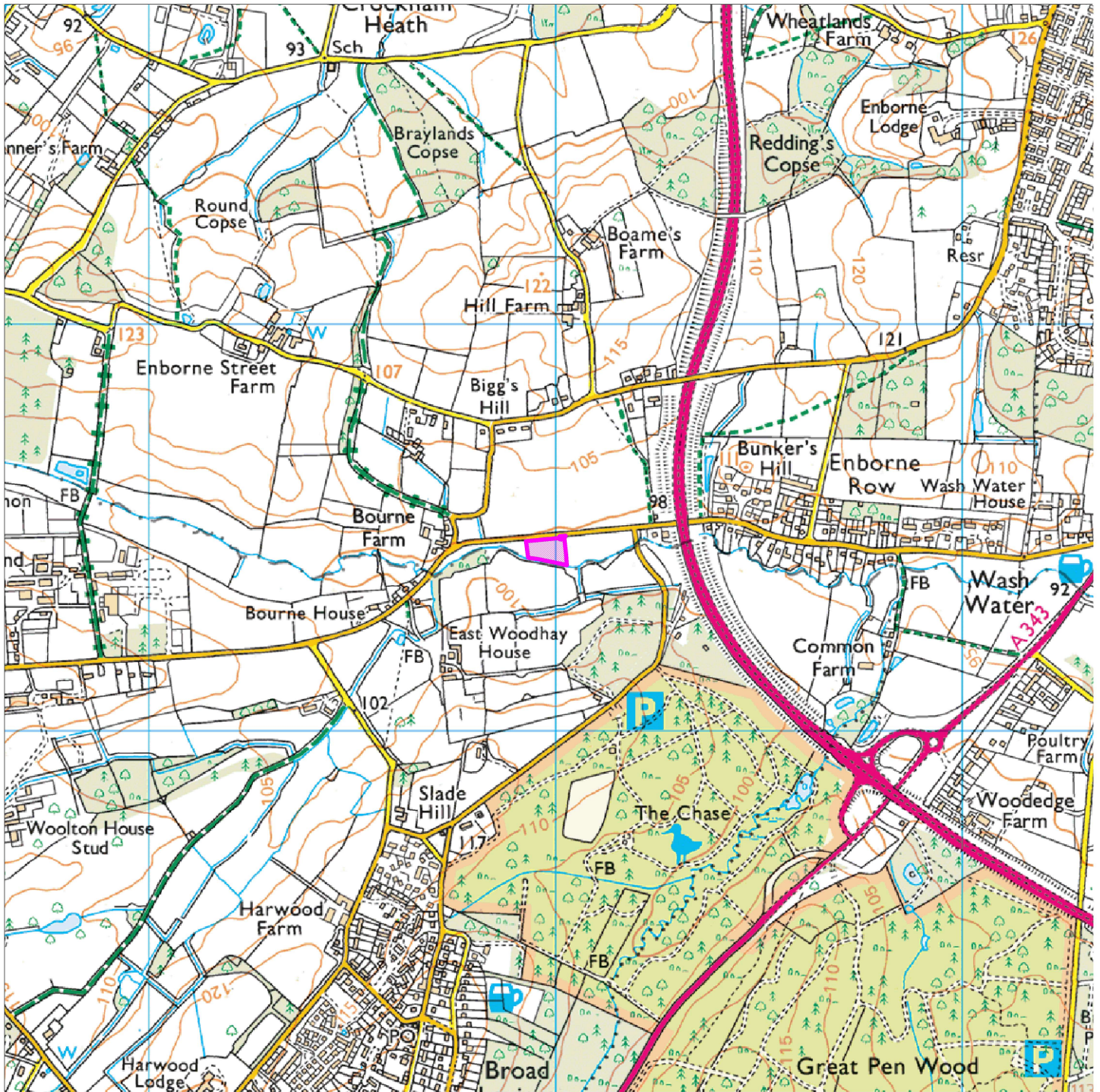
	<p>1, as described by the Institute of Lighting Engineers. No external lighting shall be installed at the site except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
8.	<p><b>Maximum pitches</b></p> <p>At no time shall more than 2 pitches be provided on the application site.</p> <p>Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026</p>
9.	<p><b>Occupation restriction</b></p> <p>The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers, as defined in the revised Planning Policy for Traveller Sites of December 2023.</p> <p>Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and to maintain a supply of pitches.</p>
10.	<p><b>Day rooms</b></p> <p>The dayrooms hereby permitted shall only be used for purposes ancillary and/or incidental to the pitches upon which they are sited.</p> <p>Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

### ***Informatives***

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



Land West Of Pumping Station, Enborne Row, Wash Water, Newbury, RG20 0L



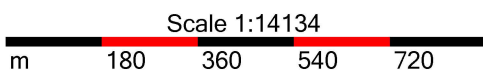
Map Centre Coordinates :

Scale : 1:14134

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	06 June 2024
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application and Parish	No.	Statutory Target Date	Proposal, Location, Applicant
(3)	23/01100/RESMAJ Greenham	17	August 2023 <sup>1</sup>	<p>Application for Approval of Reserved Matters following Outline Approval 14/03109/OUTMAJ - Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings.</p> <p style="text-align: right;">Newbury Racecourse Racecourse Road Newbury</p> <p style="text-align: right;">David Wilson Homes (Southern)</p>
<sup>1</sup> Extension of time agreed with applicant until 26 <sup>th</sup> June 2024				

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01100/RESMAJ>

**Recommendation Summary:** To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in section 8

**Ward Member(s):** Councillor Phil Barnett, Councillor Billy Drummond, Councillor Erik Pattenden

**Reason for Committee Determination:** 10 or more objections received

**Committee Site Visit:** 17 June 2024

Contact Officer Details	
<b>Name:</b>	Jake Brown
<b>Job Title:</b>	Principal Planning Officer
<b>Tel No:</b>	01635 519111
<b>Email:</b>	jake.brown@westberks.gov.uk

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks approval of the reserved matters comprising Appearance, Scale, Layout and Landscaping for part of the Eastern Parcel of the Newbury Racecourse Strategic Site Allocation which was originally granted outline planning permission under application 09/00971/OUTMAJ, and subsequent amendments to that outline permission as detailed in the planning history section of this report.
- 1.3 The development proposed in this reserved matters application comprises the erection of apartment blocks providing 229 dwellings and a local centre as well as associated infrastructure. Of the 229 dwellings, 167 are proposed to be open market and 62 are proposed as affordable housing, comprising 23 social rented dwellings and 39 shared ownership dwellings. This alternative scheme would reduce the number of dwellings previously proposed in this part of the Eastern Parcel by 116 dwellings (apartments) from that previously granted.
- 1.4 Newbury Racecourse is located on the eastern edge of Newbury to east of the A339 which runs north-south through the heart of the town. The development of the Newbury Racecourse Strategic Site was split into three parcels, the western area, the central area and the eastern area. The Western Area and Central Area have been developed by the Applicant and are completely built out and occupied.
- 1.5 The Eastern Area is accessed from “Home Straight” road which leads to the bridge over the railway and the roundabout junction with the B3421 Hambridge Road. The Eastern Area has also largely been built out and occupied with the exception of the land within this application site and housing immediately to the north-east of the application site (plots 1-16).
- 1.6 The application site is located at the western end of the Eastern Area of the Newbury Racecourse development, adjacent to the bridge. The site currently comprises partly cleared ground where construction materials are stored to the north of the Home Straight Road. The site is bordered by the bridge to the west, the coach park and railway to the north, residential development in the remainder of the Eastern Area to the east and open space to the south as well as a temporary sales office.
- 1.7 Previous reserved matters applications as detailed in the planning history section of this report have been approved for the development of 713 dwellings across the entire Eastern Area (14/03377/RESMAJ) most of which has been constructed and is occupied, and subsequent reserved matters have also been approved for parts of the Eastern Area Parcel to amend parts of that parcel previously approved under 14/03377/RESMAJ. This alternative proposal for part of the Eastern Area would reduce the total amount of dwellings in Eastern Area from 713 to 597, and the total number of dwellings across the whole of the Newbury Racecourse development from 1500 to 1384.
- 1.8 The applicants advise that the primary aim of this new application is to reduce the previously approved block heights down to no more than 4 storeys to utilise a more sustainable timber frame build to the proposed apartment blocks, remove undercroft parking, add ground floor residential units and amend the previously approved retail offer to reflect modern market demand.
- 1.9 The application as originally submitted included details seeking approval to change the houses previously granted on plots 1-16 to the north-east of the application site to apartment blocks (referred to as Blocks E1, E2 and F in the original application

submissions). However, following consultation on the original proposals a number of issues with the application as originally submitted were identified. The applicant subsequently provided a package of amendments and additional information to the application which included the removal of that part of the application site and the proposed blocks E1, E2 and F from the application altogether, as well as other changes to the layout and appearance of the apartment blocks remaining within the application site. A separate application, 23/02667/RESMAJ, was submitted as detailed in the planning history section below, to retain housing for plots 1-16 subject to some minor amendments and has recently been approved.

1.10 Therefore, this amended application seeks approval of the reserved matters for the erection of 7 apartment blocks only (Blocks A1, A2, B1, B2, C, D and G) together with the layout of parking areas, footways, and landscaping. Previous reserved matters have been granted to erect 7 apartment blocks in similar locations under applications 14/03377/RESMAJ and 18/00815/RESMAJ, as shown in appendix 2 and 3 to this report. This application seeks to vary the appearance, layout, scale and landscaping previously approved by:

- Lowering the heights of the following apartment blocks to 4 storeys:
  - For Block A1 (previously A5) from 5 storeys.
  - For Block A2 (previously A4) from 6 storeys.
  - For Block B1 (previously A3) from 8 storeys.
  - For Block B2 (previously A1) from 5 storeys.
  - For Block C (previously A2) from 5 storeys.
  - For Block G (previously A7) from 7 storeys.
- For Block D (previously A6) the height is to remain at 4 storeys.
- Reducing the length of Block G (previously A7) and introducing a new surface parking area to the south-east of the block.
- Relocating the previously approved undercroft parking on the ground floor of the apartment blocks to outside courtyard and roadside parking such that the ground floor of each apartment block will now provide residential dwellings, cycle/refuse storage or commercial floorspace with associated plant room.
- Reducing the extent of proposed commercial floor space from 1248sqm across two units on the ground floor of two apartment buildings (formerly referred to as A5 and A4) to 613sqm across four units within one apartment building only, Block A1.
- Moving the apartment blocks fronting Home Straight road (Blocks A1, A2 and B2) southwards closer to the road to increase the courtyard car parking area to the rear of those blocks.
- Amending the appearance of all apartment blocks.
- Amending the layout of landscaping and reducing the number of trees proposed.
- Reducing the length of Block C (previously Block A2) to increase the parking area between Blocks B2 and C (previously A1 and A2).
- Moving Blocks B1 and B2 eastwards and increasing the parking area to the west between those blocks and the bridge.
- Reduction in number of dwellings to be provided in this part of the Eastern Area Parcel from 345 to 229; resulting in a reduction in the total number of dwellings across the whole Newbury Racecourse Strategic Site from 1500 to 1384.

## 2. Planning History

2.1 Given the complex and lengthy planning history for the site, the table below outlines the relevant planning history of the application site only and does not include all of the applications submitted for other phases of the redevelopment of Newbury Racecourse.

Application	Proposal	Decision Date /
09/00971/OUTMAJ	Redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative, and visitors facilities; new hotel and hostel; replacement children's nursery; the permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of the golf course; up to 1,500 dwellings; local centre; combined heat and power district heating system; new and improved accesses; parking for visitors, staff and residents; open space and landscaping, signage, service infrastructure, and associated uses (minor changes to application 08/02201/OUTMAJ).	Approved 6/4/2010
14/02292/OUTMAJ	Section 73 - Variation of Condition 4: To alter drawing reference for building heights plan to 6929 SK300 Rev A of approved reference 09/00971/OUTMAJ. Redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative, and visitors facilities; new hotel and hostel; replacement children's nursery; the permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of the golf course; up to 1,500 dwellings; local centre; combined heat and power district heating system; new and improved accesses; parking for visitors, staff and residents; open space and landscaping, signage, service infrastructure, and associated uses (minor changes to application 08/02201/OUTMAJ).	Approved 18/12/2014
14/03109/OUTMAJ	Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings.	Approved 6/2/2015  A copy of the Decision Notice is provided in Appendix 1 to this report.

14/03377/RESMAJ	Approval of reserved matters following outline permission 09/00971/OUTMAJ. Construction of 708 dwellings, retail/community facilities, coach park, temporary marketing suite and associated works (Reserved matters) for area A Eastern development area. Matters seeking consent: appearance, landscaping, layout and scale.	Approved 28/7/2015  A copy of the Decision Notice and layout plan is provided in Appendix 2 to this report.
15/00213/SCREEN	EIA Screening Opinion Request	EIA not required 9/2/2015
16/01404/COND1	Application for approval of details reserved by Condition 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 19, 20, 26, of approved application 14/03109/OUTMAJ. Part discharge of Eastern Development Phase under 14/03377/RESMAJ.	Approved 27/10/2016
17/02732/NONMAT	Non-material amendment to planning permission 14/03377/RESMAJ. (AMENDMENT): Internal reconfiguration of building A7 to create additional five units and associated parking.	Approved 14/11/2017
18/00815/RESMAJ	Proposed variation of plot typologies [21 number] in the approved reserved matters following Outline application 14/03109/OUTMAJ: [Eastern area phase only].	Approved 19/7/2018  A copy of the Decision Notice and layout plan is provided in Appendix 3 to this report.
19/01521/RESMAJ	Reserved Matters for the erection of 60 dwellings and associated works in accordance with outline planning permission 09/00971/OUTMAJ. Matters to be considered: Appearance, Landscaping and Scale.	Approved 30/9/2019
19/01551/NONMAT	Non material amendment to approved 14/03377/RESMAJ - Approval of reserved matters following outline permission 09/00971/OUTMAJ. Construction of 708 dwellings, retail/community facilities, coach park, temporary marketing suite and associated works (Reserved matters) for area A Eastern development area. Matters seeking consent: appearance, landscaping, layout and scale. Amendments - external environment/landscaping to provide additional parking, Blocks A1-7 subtle refinements to elevations related to detail	Approved 18/10/2019

	design and altered footprint and internal re-plan of block A3 pursuant to fire strategy requirements.	
19/02957/RESMAJ	Approval of reserved matters following permission 14/03377/RESMAJ. Approval of minor amendments to the appearance/layout of one end of apartment block A3 and associated amendment to adjacent landscape areas.	Approved 17/2/2020
20/02507/COND2	Approval of details relating to plots 53 to 56, 103, 123 to 128 and 353 reserved by Condition 5 - Cycle Parking and Signage of Approved Application 14/03377/RESMAJ: Approval of reserved matters following outline permission 09/00971/OUTMAJ. Construction of 708 dwellings, retail/community facilities, coach park, temporary marketing suite and associated works (Reserved matters) for area A Eastern development area. Matters seeking consent: appearance, landscaping, layout and scale.	Refused 29/12/2020
21/00348/NONMAT	Non Material amendment to planning permission 14/03109/OUTMAJ: Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings. Amendment: Wording of condition 3 to clarify how the original planning permission has been implemented on the ground in terms of phasing.	Approved 5/6/2021
23/02150/NONMAT	Non-Material Amendment to planning permission 14/03109/OUTMAJ: Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef	Approved 6/11/2023



	Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings. Amendment: amendment to wording of Condition 1.	
23/02906/NONMAT	Application for a Non-Material Amendment Following a Grant of Planning Permission 14/03109/OUTMAJ - Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings. Amendments: Amendment to the approved Raceday Movement Plan	Approved 9/1/2024
23/02667/RESMAJ	Application for Approval of Reserved Matters following Outline Approval 14/03109/OUTMAJ - Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings. Matters to be considered: Appearance, Landscaping, Layout And Scale.	Approved 06/06/24

2.2 As detailed above, previous reserved matters applications have been approved for the application site comprising 14/03377/RESMAJ, 18/00815/RESMAJ, 19/01521/RESMAJ, 19/02957/RESMAJ together with various non-material amendment applications. As development under those reserved matters applications have commenced, those reserved matters approved represent a realistic fall-back position for the applicant. Therefore, those previously granted reserved matters applications are a material consideration of significant weight in the determination of this application.

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** EIA for the eastern Parcel was considered under the screening application 15/00213/SCREEN which determined that whilst the development proposed falls within Schedule 2 (10b) of the EIA Regulations, EIA is not required for the development of the Eastern Parcel. The development proposed in this latest application is not considered to alter that conclusion previously made by the Local Planning Authority.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s Statement of Community Involvement. Site notices were displayed on 13 June 2023 at various locations surrounding the application site, with a deadline for representations of 7 July 2023. A public notice was displayed in the Newbury Weekly News on 8 June 2023; with a deadline for representations of 22 June 2023.
- 3.3 Following the submission of a package of amendments and additional information re-consultation took place with statutory and non-statutory consultees and those who had previously submitted representations were provided with the opportunity to submit further comments.
- 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 identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	
New Homes Bonus	Yes	No	
Affordable Housing	Yes	Yes	6.27-6.37
Public Open Space or Play Areas	Yes	Yes	6.52-6.53
Developer Contributions (S106)	Yes	No	
Job Creation	Yes	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 However, planning permission was granted for the development at Newbury Racecourse prior to the introduction of CIL. Therefore, the development would not be liable for CIL. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://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.
- 3.9 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.
- 3.10 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.11 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.12 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.13 **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.

- 3.14 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of homes including affordable homes.
- 3.15 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.
- 3.16 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. No listed buildings are considered to be affected by the proposal.
- 3.17 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Impacts on nearby conservation areas was considered in the determination of the outline planning permission and considered acceptable. The proposals in this application seeking approval of reserved matters for part of the Eastern Parcel are not considered to alter that conclusion.

## 4. Consultation

### *Statutory and non-statutory consultation*

#### Initial application responses

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

<b>Greenham Parish Council:</b>	No response received.
<b>Adjacent Thatcham Town Council:</b>	No objections - 1) The curved path that crosses the to the south of the housing to be part of a public route from the canal and from Thatcham for cycles and pedestrians. 2) Would like it to be confirmed that the development as a whole has adequate provision of play areas provided for children.

<b>Adjacent Newbury Town Council:</b>	The Town council strongly objects to this proposed development on the following grounds: - Overdevelopment of the lands (blocks E1 and E2); - The impact on existing residents, including overlooking ( the town council noted that the applicants did not consult the residents before submitting this application); - The social/ affordable housing provision should be dispersed across the development, rather than one single area; - The proposed reduction in green space is unacceptable; - The lack of community facilities across the entire racecourse development; - Inadequate car club provision; - The proliferation of smaller units, of which there are already too many in Newbury.
<b>Environment Agency:</b>	Due to increased workload prioritisation, we are unable to provide comments on this application.
<b>Network Rail:</b>	No objections.
<b>Natural England:</b>	No comments to make.
<b>WBC Highways:</b>	<p>Parking in accordance with Policy P1 appears to have been provided and the proposal also seems to comply with the Councils Cycle and Motorcycle Advice and Standards for New Development.</p> <p>Amended swept path diagrams are required for a larger vehicle.</p> <p>There should be no hedges or shrubs alongside car parking spaces.</p> <p>Concern that some of the routes from the buildings are not wide enough for the bins to be taken from the stores to vehicles. Need to widen routes to avoid any potential damage to any adjacent parked cars.</p> <p>The footway should be continued along the northern side of Home Straight fronting blocks A1 to E.</p> <p>Poor pedestrian links proposed through the car park surrounded by Blocks A1 to C. Routes into Blocks B2 and C are also poor. Block F should also have a more direct route onto the shared surface road. Need to improve such routes.</p> <p>Dropped kerbs and tactile paving should also be provided where pedestrians are likely to cross.</p> <p>Electric Vehicle Charging points should be considered throughout the development. Without such provision the development does not comply with Policy P1.</p>
<b>WBC Ecologist:</b>	Concern regarding non-native planting proposed and impact on biodiversity. Ecological Mitigation Plan is inadequate.
<b>WBC Archaeologist:</b>	No further archaeological work at the Racecourse is required in relation to this proposal.
<b>Newt District Licensing Officer:</b>	Amended Reptile Method Statement required.
<b>WBC Environmental Health:</b>	Further noise assessment required.

<b>WBC Lead Local Flood Authority (LLFA):</b>	Require further information.
<b>WBC Housing Service:</b>	No response received.
<b>WBC Tree Officer:</b>	No response received.
<b>WBC Parks and Countryside Team:</b>	No response received.
<b>WBC Transport Policy Team:</b>	No response received.
<b>WBC Environment Team:</b>	No response received.
<b>WBC Public Rights of Way:</b>	No response received.
<b>WBC Conservation:</b>	No response received.
<b>WBC Waste Services:</b>	No response received.
<b>Thames Valley Police:</b>	No response received.
<b>Royal Berkshire Fire and Rescue Service:</b>	No response received.
<b>SPOKES:</b>	No response received.
<b>Southern Electric:</b>	No response received.
<b>North Wessex Downs National Landscape:</b>	No response received.
<b>Newbury Society:</b>	No response received.
<b>BBOWT:</b>	No response received.
<b>Ramblers' Association:</b>	No response received.

## Amended application responses

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

<b>Greenham Parish Council:</b>	Object to this proposed application on the following points. <ul style="list-style-type: none"> <li>- Privacy Issues, the proposed development will overlook onto already neighbouring gardens</li> <li>- The new development is not in keeping with the current street scene</li> <li>- There is inadequate parking facilities, forcing vehicles to park unsafely along the road</li> <li>- This proposed development will eliminate the Open Green Space.</li> </ul>
<b>Adjacent Newbury Town Council:</b>	No objection.
<b>Adjacent Thatcham Town Council:</b>	No response received.
<b>Network Rail:</b>	Network Rail has no objections to the amendments made. It is noted from the covering letter that blocks E2 and F have been removed from the application boundary and therefore no works will be in direct proximity to the railway line within this submitted application.
<b>WBC Highways:</b>	I am pleased to see that most points have been addressed, but a few still remain as follows: There should be no hedges or shrubs alongside car parking spaces. They should be set back at least 1.0 metre, or at least 0.5 metres. It can be difficult to open a car door with hedging etc alongside the vehicle. Our concern regarding what was considered poor pedestrian links through the carpark surrounded by Blocks A1 to C. I do consider that the footway around the carpark should be continued between blocks B1 and B2. Dropped kerbs and tactile paving should also be provided where pedestrians are likely to cross Electric Vehicle Charging points should be considered throughout the development. Without such provision the development does not comply with Policy P1. Such details should be shown on the plans.
<b>WBC Housing Service:</b>	No objections
<b>WBC Environmental Health:</b>	I have reviewed the following updated noise documents and write with my comments. Planning Noise Assessment - this is satisfactory provided that the predicted double glazing, building envelop and mechanical attenuators are used to achieve the appropriate internal noise levels. Delivery Noise Assessment - this is satisfactory however a limit on delivery times is recommended in order to prevent disturbance to nearby residential properties.

	Plant Noise - further noise impact assessment is required when the specific plant to be used is known.
<b>WBC LLFA:</b>	We have reviewed the amended plans provided and whilst they appear acceptable in principle, we do have some queries, below - - The proposed drainage layout appears satisfactory in principle, however, it is not supported by any drainage calculations that demonstrate the proposed attenuation features are appropriately sized. - The site is proposed to drain via soakaways but it is noted from the drawing that these are "subject to detailed design". This appears to indicate that no infiltration testing has been undertaken to support the design and we would clarify whether this is the case. If none has been undertaken, we would expect appropriate testing to BRE 365 requirements is provided in support of the application. Please can we request the applicant provides this information to enable a full review?
<b>WBC Tree Officer:</b>	The tree protection measures are acceptable and can be secured by condition. Please note some existing trees are shown to be removed. However, object to insufficient and inadequate details in respect of soft landscaping.
<b>Newt District Licensing Officer:</b>	No objection subject to a condition to secure precautionary working methods as detailed in the submitted Ecological Mitigation Plan.
<b>WBC Ecology:</b>	No response received.
<b>Thames Valley Police:</b>	No response received.
<b>WBC Parks and Countryside Team:</b>	No response received.
<b>Thames Valley Police:</b>	No response received.
<b>Royal Berkshire Fire and Rescue Service:</b>	No response received.
<b>SPOKES:</b>	No response received.
<b>Southern Electric:</b>	No response received.
<b>North Wessex Downs National Landscape:</b>	No response received.
<b>Newbury Society:</b>	No response received.
<b>BBOWT:</b>	No response received.



<b>Ramblers' Association:</b>	No response received.
<b>WBC Transport Policy Team:</b>	No response received.
<b>WBC Environment Team:</b>	No response received.
<b>WBC Public Rights of Way:</b>	No response received.
<b>WBC Conservation:</b>	No response received.
<b>WBC Waste Services:</b>	No response received.

### ***Public representations***

#### **Initial application representations**

4.3 Representations to the original application submissions were received from 11 contributors, 1 of which support, and 10 of which object to the proposal.

4.4 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points were raised in respect of the original application submissions:

4.5 Objections:

- Additional blocks of flats E1, E2 and F will increase density out of keeping with location.
- Increased overlooking and loss of privacy.
- Inadequate parking proposed detrimentally impacting on highway safety and appearance of the area.
- Loss of green space.
- Poor and inadequate landscaping.
- Loss of sun and daylight for existing properties.
- Diminished appearance from that previously approved.
- Increase in noise.
- Increase in traffic pollution.
- Proposals not in keeping with other blocks on Racecourse and those previously approved.
- Homeowners should be given more time by developers to consider and discuss proposals.
- Plans are being changed from those considered by homeowners when purchasing their properties.
- Overbearing impact.
- Impact on wildlife.
- Lack of consultation.
- Negative impact on the character and appearance of the area.
- The proposed blocks are significantly larger and more imposing than the individual homes that were originally promised.

#### 4.6 Support:

- Need for more housing.
- Residents are not making use of their existing parking provision in the estate.
- Clear labelling of parking spaces required.
- Amenities such as a shop and post box would be helpful.

#### **Amended application representations**

4.7 Following the submission of a package of amendments and additional information further representations were received from 2 contributors, 1 of which previously objected to the proposal but now supports the amended proposal, and 1 of which newly objects to the proposal.

4.8 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points were raised in respect of the amended application submissions:

#### 4.9 Objections:

- The amendments make the design more appealing and blending with the existing townhouses and reverting back to original townhouses.
- Additional traffic generation causing noise and disturbance in the area.
- New design of blocks would be overbearing and out of keeping with adjacent housing.
- Lack of green space proposed and block G will result in loss of existing landscaped area used for play.

#### 4.10 Support:

- Updated and revised plans are much more favourable than the originally approved plans.
- Overall volume of the apartments has come down as has the heights of the buildings.
- Parking provision has increased.
- Appearance would maintain what was expected by previous purchasers.
- Improved soft landscaping.
- Parking and traffic issues can be controlled by the Council when roads are adopted.
- Planning has already been granted.

## **5. Planning Policy**

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

- Policies ADPP1, ADPP2, CS1, CS2, CS4, CS5, CS6, CS9, CS11, CS13, CS14, CS16, CS17, CS18, and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 and 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)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Greenham Parish Plan

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Character, Appearance and Design
- Impact on Neighbouring Amenity
- Impact on Future Occupiers
- Local Centre Provision
- Affordable Housing
- Highway Matters
- Biodiversity
- Drainage Matters
- Other Matters

### ***Principle of Development***

6.2 The principle of the development was established in the original outline planning permission 09/00971/OUTMAJ and subsequent outline planning permissions, 14/02292/OUTMAJ and 14/03109/OUTMAJ granted to vary the original outline planning permission.

### ***Character, Appearance and Design***

6.3 As noted above, this application was amended during its consideration to remove proposed apartment blocks E1, E2 and F which sought to replace houses in the north-eastern corner of the site. Therefore, this application seeks approval of the layout, appearance, scale and landscaping of the part of the Eastern Parcel that was granted permission in principle for the siting of seven apartment blocks only.

6.4 As set out in the introduction section of this report, this application seeks approval of changes to the reserved matters for this part of the Eastern Parcel from that previously approved under applications 14/03377/RESMAJ and 18/00815/RESMAJ. The reduction in height of all of the proposed apartment blocks to 4 storeys would result in less variation from what was previously approved, which comprised heights ranging from 4 to 8 storeys. The relatively uniform height of the apartment blocks now proposed would reduce the visual interest of this part of the Eastern Parcel and ability in achieving landmark buildings on the edge of this parcel which weighs against the proposal. However, whilst all the apartment blocks proposed would be 4 storeys tall, some relatively small variation in overall height by up to 2 metres between the apartment blocks would remain.

6.5 The appearance of the proposed apartment blocks was amended during the consideration of this application to introduce strong visual horizontal features on the

elevations of the blocks proposed, to reflect more closely that previously granted and constructed elsewhere within the Newbury Racecourse Strategic Site. The amended appearance of the apartment blocks would have large sections of continuous balcony frontages on all front and rear elevations and in some instances, side elevations, that are considered to be in keeping with the appearance of those previously granted and/or constructed.

- 6.6 As a result of the removal of car parking within the ground floor of the apartment blocks there would be much increased visual interest to the apartment blocks provided at ground floor level, with residential properties at ground floor level across most of the proposed apartment blocks. That is considered to improve the overall appearance of the proposed development and the way in which it functions through increased natural surveillance and active frontages.
- 6.7 However, there is also an increase in surface level parking as a result. The additional areas for the parking of vehicles upon that previously granted include: the area along the western edge of the site between the apartment blocks and the road bridge to Hambridge Lane; the area to the south-east of block G (previously block A7) because of the shortening in length of that apartment block; and the area between blocks B2 and C (previously blocks A1 and A2). It is important to note that the proposed car park to the south-west of block G would result in a loss of approximately 3-metre-wide strip of previously approved soft landscaping between the south-eastern elevation of that building and the footpath, although that land was not previously designated as informal open space.
- 6.8 Whilst there would be an increase in surface parking, the resultant layout of the proposed site is not considered to result in a significant harmful impact upon the character and appearance of the area, and, when weighed against the benefits of the proposal through increased active frontages, is considered, on balance, acceptable.
- 6.9 The materials proposed for the apartment blocks would comprise Lingfield Red Multi brick for blocks C and D. The recently approved application for the dwellings to the north-east on plots 1-16 are also to be constructed using the same brick which is also used throughout parts of the remainder of the Newbury Racecourse development. Apartment blocks A1, A2, B1, B2 and G are to be constructed using Maplehurst Light Multi bricks and yellow Multi Gull bricks for feature elements. Again, that type of brick and feature brick has been used in other parts of the Newbury Racecourse development and would contribute to a coherent development throughout the Newbury Racecourse Strategic Site. The proposed balconies would be glazed with white clad metal frames, reflective of that already used in the wider Newbury Racecourse Strategic Site. The appearance as a result of the materials proposed is considered to be acceptable.
- 6.10 Turning to landscaping, the application submissions indicate that there would be a reduction in the number of trees for this part of the Eastern Parcel from that previously granted under 14/03377/RESMAJ and 18/00815/RESMAJ, and landscaping details approved under 16/01404/COND1 as required by condition 19 of the outline planning permission (14/03109/OUTMAJ). In particular, a reduced number of trees are proposed within the courtyard car parking area. However, since that previous approval a further application was submitted and approved which indicated the planting of fewer trees and landscaping within the courtyard car parking area (application 19/01551/NONMAT). That application comprises a reasonable fallback position for the applicant and therefore has significant weight in the determination of this application. Whilst the layout of the site now proposed does indicate that the number of trees would be reduced further, soft landscaping is controlled by conditions 19 and 20 attached to the outline planning permission 14/03109/OUTMAJ, as shown in appendix 1. It is considered that suitable landscaping including more trees within the whole application site can be achieved through a future application to approve the precise location, type, density, management

and maintenance of soft landscaping that would be required to be submitted for consideration by the Local Planning Authority. That application to approve details reserved by condition would also need to address the concerns raised by the Tree Officer regarding species of planting and management and maintenance of the landscaping.

- 6.11 In conclusion, the layout, scale and appearance proposed is considered to accord with the parameter plans approved as part of the outline planning permission. Whilst there would be little variation in the scale of the proposed apartment blocks the overall impact on the character and appearance of the area is considered, on balance, acceptable.

### ***Impact on Neighbouring Amenity***

- 6.12 Representations received raise concerns regarding the apartment blocks E1, E2 and F that were originally proposed to replace houses previously approved in the northeastern corner of the site. As part of the amendments to this application those blocks were removed from the application altogether and a separate application retaining the houses in that location has been submitted and approved (ref 23/02667/RESMAJ).
- 6.13 Apartment blocks A1, A2, B1, B2, C, D and G now proposed in this application are in approximately the same locations as the apartment blocks previously approved under applications detailed in the planning history section of this report. As detailed earlier, the scale of the apartment blocks is proposed to be reduced, except for Block D which is to remain as a 4-storey building as previously approved. As such, the layout and scale of the proposed apartment blocks are not considered to introduce any significant overbearing or loss of sunlight and daylight impact upon that previously approved.
- 6.14 In respect of overlooking and loss of privacy, the distances of blocks A1, A2, B1, B2, C and G from any neighbouring dwelling would not give rise to any concerns. Block D is to be located adjacent to the houses previously approved in the northeastern corner of the site, as has been previously considered acceptable by this Council. The openings on the northern end of the eastern elevation of block D are to be high-level to avoid any potential overlooking and loss of privacy for residents of plots 1-4 adjacent to this proposed apartment block.
- 6.15 In addition, the layout of the development which broadly follows that previously approved, is not considered to result in any significant impact on neighbouring amenity.
- 6.16 It is noted that the Environmental Health Officer requested a condition to manage construction impacts such as noise, dust, piling, hours of work etc. However, those construction impacts are controlled by condition 4 attached to the outline planning permission 14/03109/OUTMAJ as detailed in appendix 1. Therefore, it would not be necessary to impose a condition again to control those matters.
- 6.17 Therefore, the proposed layout, scale and appearance of the apartment blocks is not considered to introduce any significant detrimental impact on the amenity of neighbouring properties.

### ***Impact on Future Occupiers***

- 6.18 As noted in the consultation responses from the Environmental Health Officer, future occupants may be detrimentally affected by noise from the railway and coach park, as well as noise generated by the commercial use proposed within block A1 such as deliveries and plant to be installed in the plant room.
- 6.19 An amended noise assessment has been submitted which has been reviewed by the Environmental Health Officer and is considered acceptable subject to a condition to

secure the mitigation measures detailed in that assessment. In respect of deliveries the Environmental Health Officer recommends a condition to restrict the hours of deliveries for the commercial use to prevent disturbance to nearby residential properties.

- 6.20 With regard to potential noise impacts from the plant to be installed in the plant room, as details of the equipment to be used is not known at this stage it is considered that it can be adequately controlled by a condition. Condition 25 of the outline planning permission 14/03109/OUTMAJ requires a specific noise assessment to be submitted and approved which identifies the noise impacts from the plant to be installed and any necessary mitigation measures which will also need to be installed to protect future occupiers of the development. As those details are secured by condition on the outline planning permission, it is not necessary to repeat the imposition of such a condition for this reserved matters application.
- 6.21 Given the uses proposed in the Local Centre (see below) which would be located below residential apartments, it is also considered necessary and reasonable to impose a condition, should the application be approved, that restricts the opening times of the potential uses to customer to safeguard the amenity of future occupiers.

### ***Local Centre Provision***

- 6.22 Policy CS2 of the Core Strategy identifies that appropriate retail facilities will be provided as part of the development at the Newbury Racecourse Strategic Site. Policy CS11 of the Core Strategy notes that small amounts of new retail floorspace may be provided in the form of new local centres at the two strategic developments of Sandleford Park and the Racecourse in Newbury, to respond to local needs in these areas.
- 6.23 The outline planning permission was granted subject to a land use plan which indicated the provision of a local centre within this part of the Eastern Parcel. Neither Policy CS2 nor the outline planning permission specifies the amount of retail floorspace to be provided. The previous reserved matters application granted proposed retail floorspace totalling 1248sqm across the ground floors of two apartment blocks A4 and A5 (in the approximate location of blocks A1 and A2 now proposed). In this application, the floorspace proposed is reduced to 613sqm, located across four units within the ground floor of apartment block A1 only.
- 6.24 The applicant advises that they have engaged with a local commercial agent with regards to the local centre, specifically in respect of the scale and uses that could be offered given the location of the local centre which is not on a main road that is open to general passing traffic. As such, the retail provision would most likely be used by residents of the development rather than by customers from further afield. Therefore, the applicant considers that the customer potential will likely justify a shop in this location, such as a small retailer or convenience store who would require c. 230 – 370sqm located within the proposed unit at the eastern side of block A1 (labelled Local Centre 4), with the remaining floorspace subdivided into smaller units, which may be suited to other operators such as healthcare, dental, physiotherapy or salons. In addition, the applicant has advised that local residents would be keen for a café/coffee shop in the local centre and Newbury Town Council have raised the possibility of a community facility.
- 6.25 The proposed potential use of the remaining units as healthcare, dental, physiotherapy, salon, café or community facility would not represent a retail use as specified in Policies CS2 and CS11 of the Core Strategy. However, the proposed scheme would still provide appropriate and small-scale retail use in the Local Centre 4 unit proposed, in accordance with Policies CS2 and CS11 of the Core Strategy and this can be secured by condition. The other potential uses proposed would fall within the same Use Class E as retail, with the exception of a community facility (Use Class F2 (b)). All proposed potential uses for

the remaining local centre units are considered to represent suitable local centre uses that would benefit the residents of the Newbury Racecourse Strategic Site and can be conditioned as such to enable the flexible use of those units.

- 6.26 Therefore, the reduced provision of commercial floorspace does not run contrary to Policy CS2 or CS11 of the Core Strategy and is considered to be sufficient to serve the development at Newbury Racecourse, despite the reduction in floorspace proposed.

### ***Affordable Housing***

- 6.27 The development at Newbury Racecourse was granted outline planning permission for up to 1500 dwellings. The Second Schedule of the Section 106 Agreement (S106) attached to the outline planning permission requires 30% affordable housing provision and sets out the number, tenure and mix of the affordable dwellings to be provided. It is important to note the s106 agreement attached to the outline planning permission specifies 439 affordable dwellings to be provided which represents 29.3% of all the dwellings across the Newbury Racecourse Strategic Site.
- 6.28 The Western and Central Parcels of the Newbury Racecourse development have been constructed and are occupied. They provide 127 and 110 affordable dwellings respectively, representing a provision of 30.2% and 30.1% respectively of the total dwellings (787) built across both of those phases.
- 6.29 For the Eastern Parcel of which this application is part, the most recent reserved matters granted approval sought to provide 713 market and affordable dwellings across the whole Eastern Parcel. This would have provided 211 affordable homes (29.6%) in the Eastern Parcel, of which 49.8% were proposed to be shared ownership and 50.2% were proposed to be social rent. 111 affordable homes have already been provided within the Eastern Parcel.
- 6.30 This application now proposes 229 apartments; a reduction of 116 apartments from that previously approved, which would reduce the total number of dwellings in the Eastern Parcel to 597 and reduce the total across the whole of the Newbury Racecourse Strategic Site to 1,384 dwellings.
- 6.31 This application, if approved, would result in 173 affordable homes of the 597 (29.0%) in total to be delivered within the Eastern Parcel as a whole, of which 46.2% are to be shared ownership and 53.8% social rent.
- 6.32 Of the overall Newbury Racecourse Strategic Site, the previously approved scheme provided 448 affordable homes of the 1500 (29.9%), of which 48.0% were shared ownership and 52.0% were social rent. The development now proposed in this application would provide 410 affordable homes of the 1384 (29.6%) to be delivered across the whole Newbury Racecourse Strategic Site, of which 46.3% would be shared ownership and 53.7% would be social rent.
- 6.33 The tables on the next page set out the housing provision for the whole of the Newbury Racecourse Strategic Site, including the Eastern Parcel, as currently approved and as now proposed:

**As approved**

	AFFORDABLE										MARKET					TOTAL		
	Shared ownership					Rented					1 bed flat	2 bed flat	2 bed hou	3 bed flat	3 bed hou		4 bed	5 bed
	1 bed	2 bed flat	2 bed hou	3 bed	4 bed	1 bed	2 bed flat	2 bed hou	3 bed	4 bed	5 bed	1 bed flat	2 bed flat	2 bed hou	3 bed flat	3 bed hou	4 bed	5 bed
WESTERN AREA																		
Sub-total	3	20	10	2	0	14	38	18	14	6	2	30	140	4	14	71	35	0
TOTAL	35					92					294					421		
	127																	
CENTRAL AREA																		
TOTAL	20	55				5	30					48	172		36			
	75					35					256					366		
	110																	
EASTERN AREA																		
Sub-total	0	10	8	23	0	0	13	14	31	12	0	3	25	4	0	150	63	12
Block A1	16	48																
Block A2						15	21											
Block A3												18	81		2			
Block A4												15	30					
Block A5												4	32					
Block A7												16	37		10			
Sub-total	16	48	0	0	0	15	21	0	0	0	0	53	180	0	12	0	0	0
TOTAL	105					106					502					713		
TOTAL	215					233					1052					1500		
	448																	
EASTERN																		
No	16	58	8	23	0	15	34	14	31	12	0	56	205	4	12	150	63	12
%	49.8%					50.2%					70.4%							
	105					106					502					713		
	211					233					1052					1500		
	15.2%					14.2%					11.2%							
	55.2%					32.1%					40.8%							
	7.6%					13.2%					0.8%							
	21.9%					29.2%					2.4%							
	0.0%					11.3%					29.9%							
	0.0%					0.0%					12.5%							
	0.0%					0.0%					2.4%							
TOTAL	39	133	18	25	0	34	102	32	45	18	2	134	517	8	62	221	98	12
No	215					448					1052					1500		
%	48.0%					52.0%					70.1%							
	18.1%					14.6%					12.7%							
	61.9%					43.8%					49.1%							
	8.4%					13.7%					0.8%							
	11.6%					19.3%					5.9%							
	0.0%					7.7%					21.0%							
	0.0%					0.9%					9.3%							
	0.0%					0.0%					1.1%							

**As proposed:**

	AFFORDABLE										MARKET					TOTAL		
	Shared ownership					Rented					1 bed flat	2 bed flat	2 bed hou	3 bed flat	3 bed hou		4 bed	5 bed
	1 bed	2 bed flat	2 bed hou	3 bed	4 bed	1 bed	2 bed flat	2 bed hou	3 bed	4 bed	5 bed	1 bed flat	2 bed flat	2 bed hou	3 bed flat	3 bed hou	4 bed	5 bed
WESTERN AREA																		
Sub-total	3	20	10	2	0	14	38	18	14	6	2	30	140	4	14	71	35	0
TOTAL	35					92					294					421		
	127																	
CENTRAL AREA																		
TOTAL	20	55				5	30					48	172		36			
	75					35					256					366		
	110																	
EASTERN AREA - already agreed																		
Approved/built		10	8	23			13	14	31	12		3	24	4		145	54	12
Application 23/02667/RESMAJ													1			5	9	
TOTAL	41					70					257					368		
	111																	
Block A1												3	24					
Block A2												4	23					
Block B1												24	26					
Block B2 back	6	17																
Block B2 side												12	15					
Block C						8	15											
Block D	1	15																
Block G												11	25					
Sub-total	7	32	0	0	0	8	15	0	0	0	0	54	113	0	0	0	0	0
TOTAL	39					23					167					229		
	62										167					229		
TOTAL	190					220					974					1384		
	410																	
EASTERN																		
No	7	42	8	23	0	8	28	14	31	12	0	57	138	4	0	150	63	12
%	46.2%					53.8%					71.0%							
	80					93					424					597		
	190					220					974					1384		
	8.8%					8.6%					13.4%							
	52.5%					30.1%					32.5%							
	10.0%					15.1%					0.9%							
	28.8%					33.3%					0.0%							
	0.0%					12.9%					35.4%							
	0.0%					0.0%					14.9%							
	0.0%					0.0%					2.8%							
TOTAL	30	117	18	25	0	27	96	32	45	18	2	135	450	8	50	221	98	12
No	190					410					974					1384		
%	46.3%					53.7%					70.4%							
	15.8%					12.3%					13.9%							
	61.6%					43.6%					46.2%							
	9.5%					20.5%					0.8%							
	13.2%					8.2%					5.1%							
	0.0%					0.9%					22.7%							
	0.0%					0.0%					10.1%							
	0.0%					0.0%					1.2%							

6.34 The total provision of affordable homes is therefore in broad accordance with those previously approved, with a slightly higher provision of social rented dwellings and less



shared ownership dwellings in the Eastern Parcel as a whole, as well as across the Newbury Racecourse Strategic Site.

- 6.35 Previous reserved matter applications have granted permission for the social rented affordable units to be provided in block A2 (block C in this application) and shared ownership affordable units provided in block A3 (block B2 in this application). 23 social rent apartments are now proposed in block C. The shared ownership dwellings are proposed to be located within block D (16 apartments) and the northern flank of block B2 (23 apartments), which is to be a mixed tenure block.
- 6.36 The applicant advises that they have liaised with the registered provider (now known as Sovereign Network Group (SNG)), who have confirmed their support in principle for the proposed mix. The Housing Service has reviewed the application proposals and confirmed that the new proposed tenure mix is an improvement on that previously approved based on the latest evidence of housing need. The Housing Service has also confirmed that the number and location of the affordable units is acceptable.
- 6.37 Whilst it is acknowledged that the proportion of overall affordable housing provision for the Newbury Racecourse Strategic Site would be slightly less than 30%, it would be greater than that specified in the s106 agreement attached to the planning permission. As such, it is considered that the affordable housing provision proposed is acceptable.

### ***Highway Matters***

- 6.38 The latest response from the Highways Officer does not raise objections in respect of the number of parking spaces proposed but does raise concern regarding the positioning of hedges and shrubs alongside parking spaces as they may interfere with the opening of car doors. That issue has not been raised for previous applications granted where similar relationships were approved. Those previous approvals represent a reasonable fallback position for the applicant and therefore has significant weight in the determination of this application. Furthermore, for this latest application, the number of instances where a car parking space is to be located adjacent to shrubs or hedgerows is reduced from that previously approved. In addition, appropriate management of the landscaping that would be planted is secured by a condition attached to the outline planning permission and can ensure no encroachment of shrubs or hedgerow into adjacent parking spaces.
- 6.39 The Highways Officer has also advised that the footway around the carpark should be continued between blocks B1 and B2 to ensure good pedestrian links through the car park surrounded by blocks A1 to C. As a result, further amended layout plans were provided to make a minor change to continue the footpath between blocks B1 and B2, adequately addressing this issue.
- 6.40 The Highways Officer also noted that dropped kerbs and tactile paving should be provided where pedestrians are likely to cross together with details of the location of electric vehicle charging points.
- 6.41 In respect of the provision of dropped kerbs and tactile paving, construction details for roads and footways are required to be submitted and approved by the Local Planning Authority under condition 19 of the outline planning permission (14/03109/OUTMAJ, appendix 1).
- 6.42 With respect to electric vehicle charging points, a condition can be imposed to secure the approval and implementation of those, as set out in section 8 of this report.
- 6.43 In respect of a travel plan and car club provision, those matters were dealt with at the outline stage. The s106 agreement attached to the outline planning permission requires

the developer to implement the travel plan for the construction of the development and 1 year after the last occupation and enter into a contract with a car club operator. The travel plan requires a car club to be available for both residents within the development and other users of the racecourse. To facilitate this provision, a car club parking space is proposed close to the Local Centre, off the main road in front of proposed apartment block D.

- 6.44 The application submissions demonstrate adequate cycle and refuse storage provision which can be secured by condition. Suitable visibility splay plans have been provided together with swept path plans to demonstrate that the layout proposed can be adequately accessed by all vehicles.
- 6.45 Therefore, the layout of the proposed development is considered to accord with Policy CS13 and CS14 of the Core Strategy and would not introduce any significant concerns in respect of highway safety.

### ***Biodiversity***

- 6.46 In their initial response to the original application as submitted, the Council's Ecologist raised concerns regarding the proposed planting of non-native species, potential impact on Great Crested Newts and adequacy of the ecological mitigation plan.
- 6.47 As noted previously, the precise soft landscaping details are controlled by a condition attached to the outline planning permission 14/03109/OUTMAJ (condition 19). Therefore, it is considered that suitable landscaping can be achieved through a future application to be submitted for consideration by the Local Planning Authority to approve the precise location, type and density of soft landscaping.
- 6.48 In respect of the potential impact on Great Crested Newts, the District Licensing Officer advises that the development presents a low risk to Great Crested Newts and their habitats. They go onto to consider that precautionary working methods to reduce any potential impacts on great crested newts is secured by planning condition. Condition 21 of the outline planning permission 14/03109/OUTMAJ requires such details as part of an ecological mitigation strategy that will need to be submitted and approved prior to any development within this site.
- 6.49 Therefore, the development proposed is considered to accord with Policy CS17 of the Core Strategy and not harm biodiversity.

### ***Drainage Matters***

- 6.50 Flooding and Drainage matters were considered in the determination of the outline planning permission. The LLFA in their latest response advise that the proposed drainage layout is acceptable in principle but request detailed designs of the drainage proposals. The details of drainage are controlled by condition 6 attached to the outline planning permission 14/03109/OUTMAJ. As such, appropriate drainage can be achieved through a future application to confirm those precise details that would be required to be submitted for consideration by the Local Planning Authority and approved prior to the development commencing.

## ***Other Matters***

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

- 6.51 Greenham Parish Council have objected to this application due to privacy issues, the development being out of keeping with the street scene, inadequate parking provision, and loss of open green space. It is acknowledged that the proposals as originally submitted did introduce such concerns. However, the application has been amended to address each of those points and for the reasons set out in this report, Officers consider that those concerns have been adequately addressed.

### ***Public Open Space***

- 6.52 As noted above, and in representations received, concern has been raised regarding the provision and loss of public open space as a result of the original application proposals. Indeed, the application as originally submitted did seek to introduce areas of parking within the southern part of the site, to the southwest of proposed block G. The outline planning permission granted secured that area of land as public open space. However, the application was amended to remove the proposed loss of that land to parking. As such, the proposal would not result in any loss of public open space.
- 6.53 The s106 legal agreement attached to the outline planning permission secures two Local Equipped Areas of Play (LEAPs) within the Eastern Parcel. Two LEAPs within the wider Eastern Parcel outside of this application site were approved under 14/03377/RESMAJ.

### ***Housing Numbers***

- 6.54 The outline planning permission was granted for up to 1500 dwellings and previous reserved matters applications if implemented would have provided 1500 dwellings. As noted in this report, the reduction in scale of the development proposed for this part of the Eastern Area Parcel would reduce the number of dwellings to be constructed to a total of 1384 dwellings across the whole Newbury Racecourse Strategic Site. Policy CS2 (Newbury Racecourse Strategic Site Allocation) of the Core Strategy does not specify the number of dwellings to be provided, rather it simply states that the strategic site will deliver up to 1500 dwellings.
- 6.55 Policy CS4 (Housing Type and Mix) of the Core Strategy requires development to make an efficient use of land, with the greater intensity of development (>50 dwellings per hectare) at places with good transport accessibility. Despite the reduction in dwellings proposed to be delivered, this proposal would still provide approximately 80 dwellings per hectare within the application site. Therefore, whilst the reduction in housing to be delivered is unfortunate, the application is considered to accord with Policy CS2 and CS4 of the Core Strategy and the outline planning permission granted and would not warrant a reason for refusal.

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

- 7.1 For the reasons set out in this report, the layout, scale and appearance of the proposed development is not considered to introduce any significant concerns in respect of the impact on the character and appearance of the area, impact on neighbouring amenity or future occupiers, highways, ecology or flooding. It is acknowledged that the relatively uniform height of the apartment blocks proposed would reduce the visual interest of this part of the Eastern Parcel and its ability to achieve landmark buildings on the edge of this parcel which weighs against the proposal.

- 7.2 The reduction in commercial floorspace from that previously approved also weighs against the proposal. However, the provision of much needed housing including affordable housing, despite the reduction from what has previously been granted, is considered to outweigh those concerns.
- 7.3 Detailed matters regarding soft and hard landscaping, construction method and hours of work, biodiversity and drainage are adequately controlled by conditions attached to the outline planning permission. Future application(s) to approve details reserved by those conditions will need to be submitted and approved by the Local Planning Authority.
- 7.4 Overall, taking into account the main issues identified by this report and having regard to the representations made in response to application consultation, it is concluded that the proposed development complies with national and local planning policy and the benefits of the development outweigh the limited issues identified. As such, the application is recommended for conditional approval.

## 8. Full Recommendation

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

### **Conditions**

1.	<p><b>Link between reserved matters and outline</b></p> <p>This approval relates solely to the reserved matters referred to in condition 1 of the outline planning permission granted on 5 February 2015 under application reference 14/03109/OUTMAJ. Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions applied to that outline planning permission.</p> <p>Reason: For the clarity and the avoidance of doubt. The reserved matters cannot be considered separately from the permission to which they relate, and the conditions applied on that outline permission are still applicable.</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none"> <li>- Site Layout Plan (with the exception of soft landscaping), drawing number SL.01 Rev B received on 2 May 2024.</li> <li>- Parking Strategy Layout Plan, drawing number PSL.01 Rev B received on 2 May 2024.</li> <li>- Location Plan, drawing number LP.01 Rev A received on 5 March 2024.</li> <li>- Affordable Housing Layout Plan, drawing number AGHL.01 Rev A received on 5 March 2024.</li> <li>- Dwelling Material Layout Plan, drawing number DML.01 Rev A received on 5 March 2024.</li> <li>- Refuse Site Layout Plan, drawing number RSL.01 Rev A received on 5 March 2024.</li> <li>- Flat Block – A1 Elevations Plan, drawing number FB-A1.e Rev A received on 5 March 2024.</li> <li>- Flat Block – A1 Proposed Floor Plan, drawing number FB-A1.p Rev A received on 5 March 2024.</li> <li>- Flat Block – A1 Roof Plan, drawing number FB-A1.rp Rev A received on 5 March 2024.</li> </ul>

	<ul style="list-style-type: none"> <li>- Flat Block – A2 Elevations Plan, drawing number FB-A2.e Rev A received on 5 March 2024.</li> <li>- Flat Block – A2 Proposed Floor Plan, drawing number FB-A2.p Rev A received on 5 March 2024.</li> <li>- Flat Block – A2 Roof Plan, drawing number FB-A2.rp Rev A received on 5 March 2024.</li> <li>- Flat Block – B1 Elevations Plan, drawing number FB-B1.e Rev A received on 5 March 2024.</li> <li>- Flat Block – B1 Proposed Floor Plans – Sheet 1, drawing number FB-B1.p1 Rev A received on 5 March 2024.</li> <li>- Flat Block – B1 Proposed Floor Plans – Sheet 2, drawing number FB-B1.p2 Rev A received on 5 March 2024.</li> <li>- Flat Block – B1 Roof Plan, drawing number FB-B2.rp Rev A received on 5 March 2024.</li> <li>- Flat Block – B2 Elevations Plan, drawing number FB-B2.e Rev A received on 5 March 2024.</li> <li>- Flat Block – B2 Proposed Floor Plans – Sheet 1, drawing number FB-B2.p1 Rev A received on 5 March 2024.</li> <li>- Flat Block – B2 Proposed Floor Plans – Sheet 2, drawing number FB-B2.p2 Rev A received on 5 March 2024.</li> <li>- Flat Block – B2 Roof Plan, drawing number FB-B2.rp Rev A received on 5 March 2024.</li> <li>- Flat Block – C Elevations Plan, drawing number FB-C.e Rev A received on 5 March 2024.</li> <li>- Flat Block – C Proposed Floor Plans, drawing number FB-C.p Rev A received on 5 March 2024.</li> <li>- Flat Block – C Roof Plan, drawing number FB-C.rp Rev A received on 5 March 2024.</li> <li>- Flat Block – D Elevations Plan, drawing number FB-D.e Rev A received on 5 March 2024.</li> <li>- Flat Block – D Proposed Floor Plans, drawing number FB-D.p Rev A received on 5 March 2024.</li> <li>- Flat Block – D Roof Plan, drawing number FB-D.rp Rev A received on 5 March 2024.</li> <li>- Flat Block - D - Cycle Store Floor Plans and Elevations, drawing number FB-D_CS.pe Rev A received on 5 March 2024.</li> <li>- Flat Block – G Elevations (Sheet 1 of 2) Plan, drawing number FB-G.e1 Rev A received on 5 March 2024.</li> <li>- Flat Block – G Elevations (Sheet 2 of 2) Plan, drawing number FB-G.e2 Rev A received on 5 March 2024.</li> <li>- Flat Block – G Proposed Floor Plans, drawing number FB-G.p Rev A received on 5 March 2024.</li> <li>- Flat Block – G Roof Plan, drawing number FB-G.rp Rev A received on 5 March 2024.</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Cycle Storage/Parking</b></p> <p>No dwelling within each apartment block shall be first occupied until cycle parking/storage facilities for that apartment block have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>

4.	<p><b>Vehicle Parking</b></p> <p>No dwelling within each apartment block shall be first occupied until the vehicle parking (including visitor and unallocated parking spaces) and turning spaces have been surfaced, marked out and provided for each apartment block in accordance with the Parking Strategy Layout Plan, drawing number PSL.01 Rev B received on 2 May 2024. The car club parking space shall be surfaced, marked out and provided in accordance with the Parking Strategy Layout Plan, drawing number PSL.01 Rev B received on 2 May 2024 prior to the first occupation of apartment block D. The parking and turning spaces shall thereafter be kept available for parking of vehicles at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
5.	<p><b>Protection from external noise</b></p> <p>No dwelling shall be first occupied until external noise mitigation measures have been provided in accordance with the Planning Noise Assessment produced by Noise Solutions Ltd dated 7 February 2024 and received on 5 March 2024.</p> <p>The noise mitigation measures shall be retained and maintained thereafter.</p> <p>Reason: To protect future residents from noise from the railway and other external noise sources. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.</p>
6.	<p><b>Electric vehicle charging points</b></p> <p>No dwelling within each apartment block shall be first occupied until electric vehicle charging points have been provided for that apartment block in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
7.	<p><b>Refuse Storage</b></p> <p>No dwelling within each apartment block shall be first occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) has been provided for that apartment block in accordance with the approved plans for that apartment block.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core</p>

	Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).
8.	<p><b>Layout and design standards</b></p> <p>The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.</p> <p>Reason: In the interest of road safety and flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
9.	<p><b>Delivery hours</b></p> <p>No deliveries (including collection of waste) shall be accepted or despatched from the commercial units on the ground floor of block A1 outside the following hours:</p> <p>Mondays to Fridays: 07:30 to 18:00 Saturdays: 08:30 to 13:00.</p> <p>No deliveries shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Vehicle engines [and refrigeration units] shall be switched off during deliveries, and no engine idling shall be permitted.</p> <p>Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
10.	<p><b>Customer opening hours</b></p> <p>The commercial premises located on the ground floor of block A1 shall not be open to customers outside of the following hours:</p> <p>07:00 to 22:00 Monday to Saturday 08:00 to 17:00 on Sundays and Bank Holidays.</p> <p>Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
11.	<p><b>Permitted uses within Class E</b></p> <p>The Local Centre 4 unit on the ground floor of block A1 shall be used for Use Class E(a) only and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Local Centre 1, 2 and 3 units on the ground floor of block A1 shall be used for Use Classes E(a), E(b), E(c), E(e), or F2(b) only and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use</p>

	<p>Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason: To ensure the provision of at least one local retail facility as required by Policy CS2 and CS11 of the Core Strategy. The proposed commercial premises are located below residential apartments and has been assessed on the basis of the uses proposed. Any other Class E use would need to be assessed to ensure the impact on neighbouring properties and provision of parking is acceptable. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP2, CS2, CS9, CS11 and CS13 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
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### **Informatives**

1.	<p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.</p>
3.	<p>Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.</p>
4.	<p>Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: <a href="mailto:building.control@wokingham.gov.uk">building.control@wokingham.gov.uk</a>, or visit: <a href="http://www.wokingham.gov.uk/building-control">www.wokingham.gov.uk/building-control</a></p>



## 9. Appendices

### *Appendix 1 – Outline Planning Permission 14/03109/OUTMAJ Decision Notice*

**TOWN AND COUNTRY PLANNING ACT 1990**

David Wilson Homes Southern  
Daniel Pavely  
Norgate House  
Tealgate  
Charnham Park  
Hungerford  
RG17 0YT

**Applicant:**  
David Wilson Homes Southern

**PART I - DETAILS OF APPLICATION**

**Date of Application**

24th November 2014

**Application No.**

**14/03109/OUTMAJ**

**THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:**

Section 73: To vary condition 32: No more than 250 dwellings shall be completed prior to the completion and opening to traffic of a new bridge, to 421 dwellings. Of approved reference 09/00971/OUTMAJ for redevelopment of Newbury Racecourse to provide new and enhanced leisure, racing, administrative and visitors facilities; new hotel and hostel; replacement children's nursery; permanent retention of the Mill Reef Stand; replacement maintenance buildings, yard and workshops; replacement golf club house and apartment, floodlit driving range and remodelling of golf course; up to 1,500 dwellings.

Newbury Racecourse , The Racecourse, Newbury, Berkshire

PART II - DECISION

**In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council GRANTS OUTLINE planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-**

1. Approval of the details of the layout, scale, appearance of the buildings and landscaping of the site (the `reserved matters`) shall be obtained from the Local Planning Authority for each phase of development prior to the commencement of that phase and the development shall be carried out in accordance with those approved details.

Reason: The application is not accompanied by sufficient details of the reserved matters to enable the Local Planning Authority to give proper consideration to those matters and such consideration is required to ensure that the development is in accordance with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

2. The submission of reserved matters should be in general accordance with the following plans and additional information unless otherwise agreed in writing by the Local Planning Authority:

Land use plan, drawing reference: 159109/P/002/RevC.

Building heights plan drawing reference: 6929 sk300 Rev B , and 6929 PL101 Rev D.

Movement plan, non-race days drawing reference: 159109/P/004RevC.

Movement plan, race-goers, drawing reference: 159109/P/005/RevC.  
Stroud Green junction details, drawing reference: 3027.101/RevC.  
Southern access road junction, drawing reference: 3027.1001/RevA.  
Illustrative master plan drawing reference: 159109/P/500/RevB.  
Indicative landscape, open space and recreation strategy, drawing reference:  
159109/P/501/RevA.  
Design and Access Statement 2008 and Design and Access Statement Supplement 2009.

Reason: The reserved matters cannot be considered separately from the planning permission to which they relate and the conditions imposed on that outline permission are still applicable in order to comply with policy HSG1 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

3. The development shall continue in strict accord with the approved site-wide phasing scheme. This shall include the phasing of site accesses, service infrastructure, structural landscaping, open space and play spaces and residential development including the local centre. The overall development shall thereafter proceed in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority. In relation to other conditions seeking approval of details prior to the commencement of development, such approval may relate to the commencement of individual phases in accordance with the provisions of the approved phasing plan.

Reason: To ensure that the overall development proceeds in a coordinated manner assessed against advice in the DMPO of 2010.

4. The development shall continue to be implemented in strict accord with the approved Code of Construction Practice. This shall include measures during the construction process to minimise the amount of dust generated, minimise the amount of noise generated, identify the hours of operation, and specify construction traffic haul routes. The approved Code of Construction Practice shall be implemented in full for the full duration of the construction activity relating to this permission at the site.

Reason: In the interests of the amenities of neighbours of this site in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

5. No development shall commence in the area indicated on plan PCOO1, other than investigative work until:

i. Two copies of a contaminated land assessment and associated remedial strategy if appropriate, together with a timetable of works, have been submitted to, and approved in writing by the Local Planning Authority. The contaminated land assessment shall include details of investigative works and sampling, risk assessment and remediation strategy.

The works shall be carried out by a suitability qualified Consultant appointed to investigate the nature and extent of any contamination, if any, in, on or under the parts of the land referred to in this condition. Details of the method of investigation and sampling on site, together with the results of analysis must be submitted to the Local Planning Authority (and the Environment Agency as appropriate). If a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to the following: wildlife, livestock and ecosystems, building materials, water resources, the future users of the site, surrounding land and any other persons.

ii. Approved remediation works shall be carried out in full. If during any works any significant underground structures or contamination is discovered which has not previously been identified then the additional contamination shall be fully assessed. No further

remediation works shall take place until a report detailing the nature and extent of the previously unidentified structures and contamination and the proposed remedial action plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation action plan.

iii. On completion of all remediation works this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The report shall make reference to all published information associated with the development and shall demonstrate compliance with the remediation strategy. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice; consignment notes demonstrating the removal of contaminated materials; certification to show that new material brought to the site is uncontaminated; and details of any on-going post remediation monitoring and sampling, including a reporting procedure to the Local Planning Authority and Environment Agency.

Reason: In order to protect the amenities of existing and proposed occupants/users of the application site or adjacent land in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

6. No phase of the development shall commence until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of these in accordance with the advice in the NPPF of 2012.

7. Piling using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in conjunction with the Environment Agency, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall thereafter be carried out in accordance with the approved details.

Reason: The proposed development is located on gravel deposits overlying the Upper Chalk. Piling or other sources of ground penetration could create a pathway for contaminants to migrate into the chalk aquifer. Preventive measures should be taken in order to protect the groundwater in the chalk aquifer in accordance with the NPPF of 2012.

8. No phase of the development other than the first phase (which shall for the purposes of this condition be the first 421 dwellings) shall commence until a scheme for the improvement of the existing sewerage system and a drainage strategy detailing any on and/or off site drainage works in that phase, has been submitted to and approved by, the Local Planning Authority in consultation with the sewerage undertaker. The scheme shall subsequently be implemented in accordance with the approved details and no discharge of foul or surface water from that phase shall be accepted into the public sewerage system until the drainage works referred to in the strategy have been completed.

Reason: To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community in accordance with the NPPF of 2012.

9. The existing stable block buildings, now refurbished, identified as No. 1 on the Illustrative Master Plan (May 2009), shall only be used for the stabling of horses connected with racing/training activity at the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: Due to the proximity to proposed residential accommodation, the Local Planning Authority need to be assured that this facility is managed appropriately to avoid any pollution issues in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

10. No buildings or hard surface for any phase shall commence until samples of the materials to be used for the buildings and hard surfaces in that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in the materials approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

11. No phase of development shall take place until details of all screens, boundary walls, fences and any other means of enclosure for that phase of development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details. No buildings shall be occupied before boundary treatments have been fully implemented. The approved fence, wall or other means of enclosure shall thereafter be retained and maintained at the height and position as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely affect the privacy enjoyed by the occupiers of neighbouring properties, to help reduce noise disturbance, and to ensure these details are visually acceptable in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

12. No external lighting in any phase shall be installed until such details for that phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. No building shall be occupied until the external lighting has been installed in accordance with the approved details.

Reason: The Local Planning Authority wish to be satisfied that light spill from any external lighting is minimised in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and that the lighting is acceptable with regard to its visual appearance in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

13. No phase of residential development shall commence until a full Code for Sustainable Homes or equivalent assessment demonstrating that the development for the phase will attain Code Level 3 rating has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved assessment. The dwellings hereby approved shall not be occupied until a post construction review, carried out by a licensed assessor, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Policy CS15 in the West Berkshire Core Strategy 2006 to 2026.

14. The construction of play spaces in any phase shall not commence until the locations and details of the play space in that phase have been submitted to and approved in writing by the Local Planning Authority and shall be in general accordance with approved plan 159109/P/501RevA. The play spaces shall be constructed prior to the occupation of neighbouring plots (to be identified and agreed with the Local Planning Authority) surrounding the play spaces.

Reason: To ensure the provision of quality play spaces in the development in accordance with Policy RL3 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

15. No phase of development shall commence until details of floor levels in relation to existing and proposed ground levels for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed buildings and the adjacent land in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

16. With each reserved matters application the following details will be submitted to and agreed in writing with the Local Planning Authority:

- A plan identifying the trees to be retained and their root protection zones;
- An arboricultural method statement including phased protective fencing plans and which demonstrates that structures have been excluded from the root protection zones where possible. Where this is not possible construction details and a method statement will be submitted;
- A detailed arboricultural impact statement;
- A tree management plan setting out how the retained trees are to be maintained in the long term.

The detailed tree retention plans shall accord with the following plans unless otherwise agreed with the local planning authority:

- plan BLC080214/1/RevA (western area) except tree 62
- plan BLC080214/3/RevA (eastern area) except tree 43
- plan BLC080228/2 (southern area) except trees 133/134

Reason: To ensure the enhancement of the development by the retention of existing trees in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

17. No development shall commence in the southern area until details of the construction access to the southern area have been submitted to and approved in writing by the Local Planning Authority. This will include details of how the root protection zones are to be protected during the construction phase and indicate how vehicles using this road are to be managed to protect the surrounding woodland. The construction of the access shall then proceed in accordance with these approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees in accordance with Policy CS18 of the West Berkshire Core Strategy of 2006 to 2026.

18. Details of the southern access road will be submitted to and approved in writing by the Local Planning Authority, and the road constructed as approved, prior to the buildings in the southern area coming into use. Such details shall include measures to protect the root protection zones and a scheme that enables the translocation of the Broad Leaved Helliborine colony.

Reason: To ensure the enhancement of the development by the retention of existing trees in accordance with Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

19. No landscaping of any phase shall commence until detailed landscape designs and specifications for that phase have been submitted to and approved in writing by the Local Planning Authority. The landscape design and specifications shall include the following:

Soft landscaping:

- details of planting plans, written specifications and a schedule of plants;
- landscape treatment of roads, courtyards and mews;
- a specification for the establishment of trees within hard landscaped areas;
- details and specification of proposed earth modelling or changes in site levels across the site, proposed levels and contours to be formed.

Hard landscaping:

- full details of play equipment including surface material;
- construction details and cross sections of road, paths and cycleways;
- details of all proposed hard surfacing material, lighting and street furniture.

The landscaping shall then be implemented in the first available planting season following completion of that phase.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

20. No landscaping of any phase shall commence until details of the maintenance of the proposed landscape scheme, including an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment for that phase, have been submitted to and approved in writing by the Local Planning Authority. The development shall be landscaped in accordance with the approved details which shall ensure;

- details of soil preparation, plant protection, watering and weeding;
- completion of the scheme during the next planting season following the completion of the relevant phase, or such other date as may be agreed in writing by the Local Planning Authority;
- any trees, shrubs or plants that die, become seriously damaged or die within five years of planting shall be replaced in the following planting season by plants of a similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

21. No development shall commence within any phase until an ecological mitigation strategy for that phase has been submitted to and approved in writing by the Local Planning Authority as appropriate for:

- bats
- badgers
- reptiles
- great crested newts.

This shall include:

1. A method statement detailing how protected species are to be safeguarded during the construction of that phase;
2. An ecological management plan for the future maintenance of mitigation proposals. Such approved plans will be implemented and maintained in full.

Reason: To protect the wildlife at this site in accordance with the advice in the NPPF of 2012.

22. Construction of the golf driving range shall not commence until a detailed lighting plan for the range has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall be designed to current best practice standards to minimise upward light spill and minimise light spill towards Young Copse and beyond to ensure the Level E1 for this site is maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority wish to be satisfied that light spill from the driving range is minimised in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

23. No development, including enabling works, is to take place in the areas identified on Figure 1 dated 02/10/08 without a suitably qualified archaeologist being present during initial site works the duration of which is to be agreed with the Local Planning Authority. Health and safety site requirements should take precedent at all times in relation to the cellars and their voids at the former Round Oak building remains.

Reason: To ensure that any archaeological features or finds identified are adequately investigated and recorded in accordance with the advice in the NPPF of 2012.

24. No development shall take place within the southern area as indicated on Figure 1 dated 22/8/08 until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological features or finds identified are adequately investigated and recorded in accordance with the advice in the NPPF of 2012.

25. Prior to the installation of any air handling plant the following must be submitted to and approved in writing by the Local Planning Authority:

- written details concerning any proposed air handling plant including: the proposed number and location of such plant as well as the manufacturer's information and specifications;
- the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice;
- the intended operating times;
- calculations showing the likely impact of noise from the development;
- a scheme of works or such other steps as may be necessary to minimise the effects of noise from the development.

The plant shall thereafter be installed in accordance with the above details.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy OVS6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

26. No development shall commence in any phase until a scheme of works for protecting the occupiers of the development (to include residential and nursery uses) from



externally generated noise along the railway line has been submitted to and approved in writing by the Local Planning Authority. All works forming part of the approved scheme shall be completed before any dwelling in that phase is first occupied.

Reason: In the interests of future occupants/users of the application site in accordance with Policy OVS6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

27. Development shall not commence in any reserved matters application area until a scheme for the provision and location of fire hydrants, if required, to serve that reserved matters application area, has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme.

Reason: To ensure the provision of fire hydrants as necessary in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

28. No more than 421 dwellings shall be completed prior to the completion and opening to traffic of a new bridge which will pass from the Hambridge Road/Hambridge Lane junction, across the railway and in to the site along with associated improvements to the Hambridge Road/Hambridge Lane junction.

Reason: The timing and delivery of these road improvements is crucial to the acceptability of this proposal. The timing and delivery set out above is necessary to ensure the scheme is not detrimental to the highway network and safeguards the amenities of adjoining occupiers in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007

29. No development of the non-residential buildings hereby approved shall commence until a full BREEAM or equivalent assessment demonstrating that these buildings will attain BREEAM EXCELLENT has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved assessment. Prior to the first occupation of these buildings hereby approved, a post construction review, carried out by a licensed assessor, shall be submitted to and approved in writing by the Local Planning Authority. This condition shall be phased in accordance with a phasing scheme to be agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy CS15 of the West Berkshire Core Strategy 2006 to 2026.

30. The golf driving range hereby approved shall only be used between the hours of 8.00am to 10.00pm on any day.

Reason: To minimise the impact of the floodlighting in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

31. No construction traffic relating to the residential development of the Central and Eastern areas shall be routed via the Stroud Green access. In addition no traffic arising from the central and eastern areas, once built, will be permitted to access the site via Stroud Green but only via the new road bridge as permitted.

Reason: To avoid a detrimental impact on the highway network in the Stroud Green area and to safeguard the amenities of adjoining occupiers in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

The decision to grant Outline This decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan Regional Spatial Strategy for the south east of England 2009 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 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; 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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
4. This permission must be read in conjunction with a legal agreement dated the 6th April 2010 .

Decision Date :- 5th February 2015

**Gary Lugg**  
Head of Planning & Countryside

***Appendix 2 – Reserved Matters 14/03377/RESMAJ Decision Notice and  
Layout Plan***

**TOWN AND COUNTRY PLANNING ACT 1990**

David Wilson Homes Southern  
Daniel Pavely  
Norgate House  
Tealgate  
Charnham Park  
Hungerford  
Berkshire  
RG17 0YT

**Applicant:**

David Wilson Homes Southern

**PART I - DETAILS OF APPLICATION**

**Date of Application**

22nd December 2014

**Application No.**

**14/03377/RESMAJ**

**THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:**

Approval of reserved matters following outline permission 09/00971/OUTMAJ. Construction of 708 dwellings, retail/community facilities, coach park, temporary marketing suite and associated works (Reserved matters) for area A Eastern development area. Matters seeking consent: appearance, landscaping, layout and scale.

Newbury Racecourse Plc, The Racecourse, Newbury, Berkshire

PART II - DECISION

**In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council APPROVES the reserved matters for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s) :-**

1. This approval relates solely to the reserved matters referred to in Condition No. 1 of the outline permission granted on Notice of Decision No. 14/03109/outmaj. Nothing contained in this proposal or this Notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.

Reason: The reserved matters cannot be considered separately from the permission to which they relate and the conditions imposed on that outline permission are still applicable in order to comply with the advice in the DMPO of 2015.

2. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order of 2015, (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

3. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

4. No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

5. No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times. In addition, no dwelling shall be occupied before the applicant has agreed a scheme of signage for the cycling routes in the new scheme. This shall then be implemented prior to any dwelling being occupied.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, movement, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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. Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 1995, all garages within the site shall not be used for any purpose other than as garage accommodation, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the garage(s) is/are kept available for vehicle parking in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. The development must be built out in strict accord with the plans received on 22nd July 2015 being layout number 6929 PLO3 REVAE, 6929 PLO4 REV U, 6929 PL12 REV K, 6929 PLO5 REV T. In addition the updated schedule of plans as submitted and dated 22nd of July 2015 are the approved plans.

Reason: In the interests of clarity in accord with the DMPO of 2015.

This decision has been taken having regard to the policies and proposals in the South East Plan Regional Spatial Strategy for the south east of England 2009 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 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; 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 applicant will use his best endeavours to plant additional landscaping adjoining the Lower Farm Court area to the south east of the application red line site.

Decision Date :- 27th July 2015

**Gary Lugg**  
Head of Planning & Countryside



***Appendix 3 - Reserved Matters 18/00815/RESMAJ Decision Notice and  
Layout Plan***



**TOWN AND COUNTRY PLANNING ACT 1990**

David Wilson Homes Southern  
Daniel Pavely  
Norgate House  
Tealgate  
Charnham Park  
Hungerford  
RG17 0YT

**Applicant:**  
David Wilson Homes Southern

**PART I - DETAILS OF APPLICATION**

**Date of Application**

16th March 2018

**Application No.**

**18/00815/RESMAJ**

**THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:**

Proposed variation of plot typologies [21 number] in the approved reserved matters following Outline application 14/03109/OUTMAJ: [Eastern area phase only]. Matters to be considered: Appearance, Landscaping, Layout and Scale.

History 2, Newbury Racecourse, Racecourse Road, Newbury

**PART II - DECISION**

**In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council **APPROVES** the reserved matters for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s) :-**

1. This approval relates solely to the reserved matters referred to in Condition No. 1 of the outline permission granted on Notice of Decision No. 14/03109/outmaj. Nothing contained in this proposal or this Notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.

Reason: The reserved matters cannot be considered separately from the permission to which they relate and the conditions imposed on that outline permission are still applicable in order to comply with the advice in the DMPO of 2015.

2. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order of 2015, (or any subsequent revision), no additions or extensions to the dwellings shall be built or ancillary buildings or structures erected within the curtilages, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose. This restriction shall include the construction of roof solar panels.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with policy CS14 in the West Berkshire Core Strategy of 2006 to 2026.

3. The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

4. No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

5. No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times. In addition, no dwelling shall be occupied before the applicant has agreed a scheme of signage for the cycling routes in the new scheme. This shall then be implemented prior to any dwelling being occupied.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, movement, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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. Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 1995, all garages within the site shall not be used for any purpose other than as garage accommodation, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the garage(s) is/are kept available for vehicle parking in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. The development must be carried out in strict compliance with the amended plans submitted on 10th July 2018 being plan number 6929 PLO4 - W and compliance statement version 4.

Reason: To ensure the permitted scheme is built out on site and for clarity in accord with the advice in the DMPO of 2015.

The decision to grant Reserved Matters Consent has been taken having regard to the policies and proposals in the National Planning Policy Framework, West Berkshire District Local Plan 1991-2006 (WBDLP), the Berkshire Structure Plan 2001-2016 (BSP), the Waste Local Plan for Berkshire 1998-2006, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; 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.

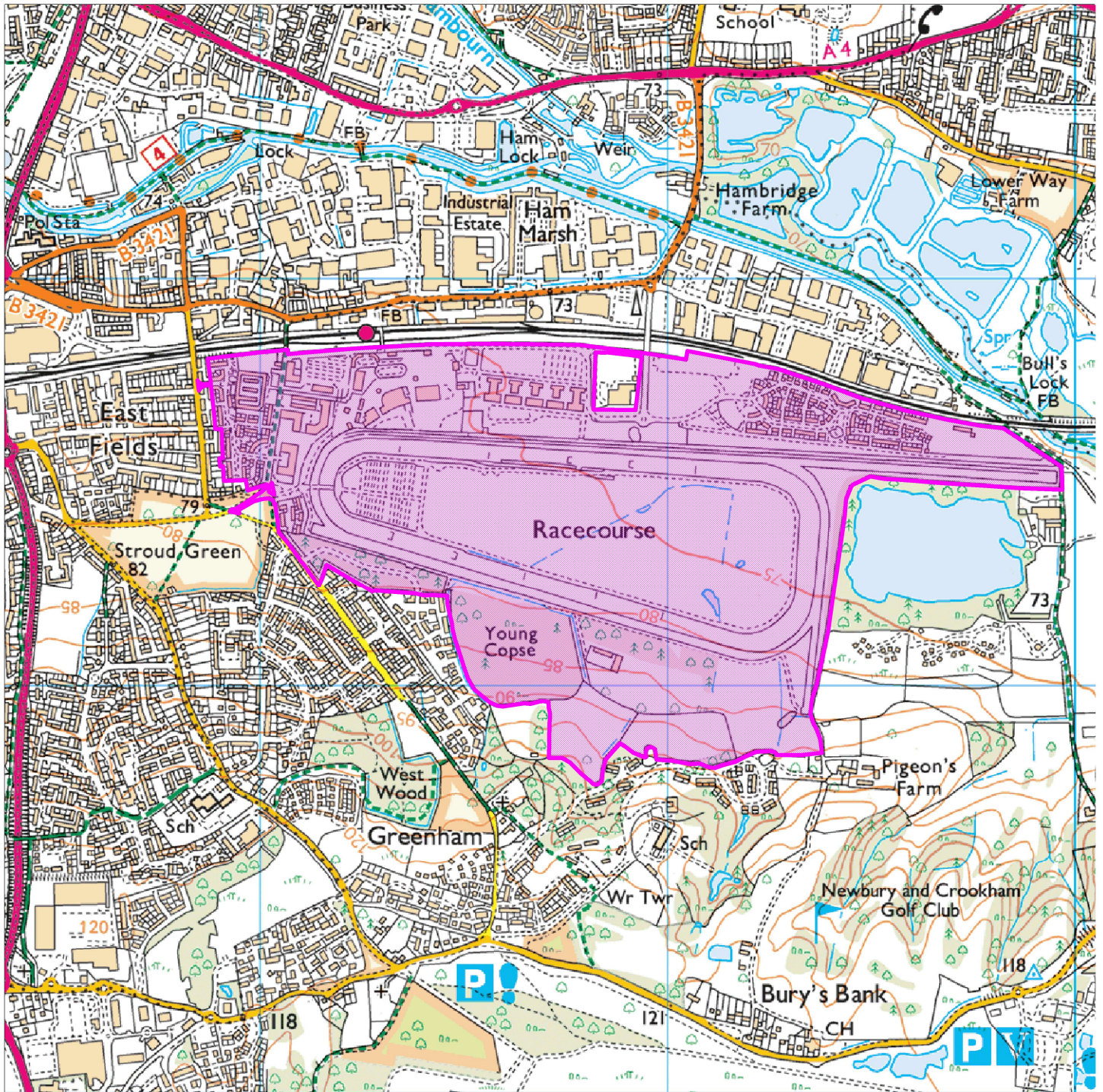
#### **INFORMATIVE:**

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.
3. The development hereby approved may result in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)
4. 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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.
5. This Decision Notice must be read in conjunction with the terms of a Legal Agreement attached to 09/00971/outmaj, and 14/03109/outmaj. You are advised to ensure that you have all the necessary documents before development starts on site.

Decision Date :- 18th July 2018

**Gary Lugg**  
Head of Development and Planning





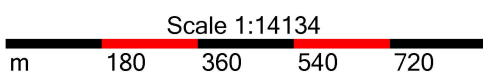
Map Centre Coordinates :

Scale : 1:14134

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	06 June 2024
<b>SLA Number</b>	0100024151



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