

# Notice of Meeting



Scan here to access the public documents for this meeting

## Western Area Planning Committee Wednesday 24 July 2024 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

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

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

If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on Tuesday 23 July 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 16 July 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, 24 July 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

---

# Agenda

Part I	Page No.
1. <b>Apologies for absence</b> To receive apologies for inability to attend the meeting (if any).	
2. <b>Minutes</b> To approve as a correct record the Minutes of the meetings of this Committee held on 22 May 2024 and 19 June 2024.	5 - 40
3. <b>Declarations of Interest</b> 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' <a href="#">Code of Conduct</a> .	
4. <b>Schedule of Planning Applications</b> <i>(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).</i>	
(1) <b>23/01037/FUL - Newbury Gardens Day Nursery, Greenham House, Greenham Road, Newbury</b> <b>Proposal:</b> Erection of a new building containing 5 two bedroom flats with associated infrastructure and landscaping on land adjacent to Greenham House <b>Location:</b> Newbury Gardens Day Nursery, Greenham House, Greenham Road, Newbury, RG14 7HS <b>Applicant:</b> Serrate Ltd <b>Recommendation:</b> To <b>DELEGATE</b> to the <b>Development Manager</b> to <b>GRANT PLANNING PERMISSION</b> subject to the schedule of conditions and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms (Section 8 of the report). <b>Or</b> , if the Section 106 legal	41 - 58

**Agenda - Western Area Planning Committee to be held on Wednesday, 24 July 2024**

*(continued)*

agreement or Unilateral Undertaking is not completed, to delegate to the **Development Manager** to **REFUSE PLANNING PERMISSION**.

- (2) **23/02802/FUL - Priors Court Farm, Priors Court Road, Hermitage** 59 - 76  
**Proposal:** Change of use of land to provide up to 84 storage containers for self-storage use (B8) and erection of boundary fence (part retrospective)
- Location:** Priors Court Farm, Priors Court Road, Hermitage, Thatcham
- Applicant:** Priors Court Containers
- Recommendation:** To **DELEGATE** to the **Development Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions. (Section 8 of the report).

**Background Papers**

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

*Sarah Clarke.*

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

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



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

This page is intentionally left blank

## 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, 22 MAY 2024

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

**Also Present:** Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Stephen Chard (Democratic Services Manager), Sam Chiverton (Apprentice Democratic Services Officer), Debra Inston (Development Control Team Manager), Nicola Thomas (Service Lead - Legal and Democratic), Paul Bacchus (Principal Engineer), Jake Brown (Principal Planning Officer) and Lewis Richards (Planning Officer)

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 21 February 2024 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

##### **Item 3 (1) – 23/00397/OUTMAJ – Bath Road Speen**

Condition 46 – Station Road Emergency Access – be amended to reflect the point agreed within the debate:

- That the emergency access be provided either at the point when the turning head adjacent to Plots 28 and 29 had been constructed or at the point at which the 50<sup>th</sup> unit was occupied, whichever was the earlier.

Clarification was also sought on the query raised in paragraph 15, bullet point 1 of the minutes. It was clarified that the Community Infrastructure Levy (CIL) figure of £18,000 was for the development as a whole and not per dwelling.

##### 2. Declarations of Interest

Councillor Adrian Abbs declared that he had been lobbied on Agenda Item 4(1).

Councillor Tony Vickers declared an interest in Agenda Item 4(2) by virtue of the fact that he was a Member of the North Wessex Downs AONB Council of Partners who would have an interest in this application. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Nigel Foot declared an interest in Agenda Items 4(1) and 4(3) by virtue of the fact that he was a Member of Newbury Town Council's Planning and Highways Committee. He reported that he would make an informed decision based on what he heard at this meeting. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Antony Amirtharaj declared an interest in Agenda Item 4(3) by virtue of the fact that he was the Ward Member and had been lobbied by residents, but reported that he would be considering the application with an open mind. Therefore, as his interest was a

## WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES

personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Phil Barnett declared an interest in Agenda Item 4(3) by virtue of the fact that he was a Member of both Newbury Town Council and Greenham Parish Council, and was present at a meeting of Newbury Town Council's Planning and Highways Committee when this particular item was discussed. However, he reported that he would weigh up all evidence put before Members prior to any vote. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

### 3. Schedule of Planning Applications

The Chairman advised that it had been brought to his attention that a representative from Chieveley Parish Council and an objector had stated that they had registered their intention to speak but had not been included on the list of speakers for Agenda Item 4(2).

Members resolved to suspend standing orders to allow the Chieveley Parish Council representative and the objector to speak on the item.

#### (1) **Application No. and Parish: 23/01361/FULMAJ - Land north of Spring Gardens, Andover Drove, Wash Water, Newbury**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/01361/FULMAJ in respect of the proposed installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme.
2. Mr Jake Brown, Principal Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was 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 report.
3. The Chairman asked Mr Paul Goddard, Highways Development Control Team Leader, if he had any observations relating to the application. Mr Goddard reported that Highways Officers were satisfied with the proposed access to the site. He confirmed the additional traffic movements that were anticipated both during the construction phase and post construction.
4. In accordance with the Council's Constitution, Mr Sam Dibas, Parish Council representative, Mr John Lynes, Mr Tom Jones and Mr Stuart Gregory, objectors, and Ms Jane Grindy, applicant/agent, addressed the Committee on this application.

#### **Parish Council Representation**

5. Mr Dibas addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=1839>

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

6. Members asked questions of clarification of the Parish Councillor and received the following responses:
  - There would be the opportunity for the local community to invest in solar energy.
  - The current usage of the land was for allotments and some grazing. Residents had not raised any concern with regards to the proposed loss of allotment land.

## **WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES**

- The Parish Council had engaged with the local community on this proposal. Positive responses had been received to the resident survey. Residents were invited to public meetings and given the opportunity to ask questions.
- Some of the Members of Enborne Parish Council were Trustees of the land and a potential conflict of interest was queried. Mr Dibas advised that the process had been fully transparent with public meetings and publicly available documentation. Mr Dibas had personally declared an interest as both a Trustee and Member of the Parish Council.

### **Objector Representation**

7. Mr Lynes, Mr Jones and Mr Gregory addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=2367>

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

8. Members asked questions of clarification of the objectors and received the following responses:
- The land had been used for allotments, but this had not been the case for some time.
  - The potentially high cost of decommissioning the site when the time came was of concern. It had not been made clear whether this cost would be met by the developer.
  - The proposal could be more palatable if flood alleviation conditions could be secured, but this would depend on the wording of the conditions.
  - It was confirmed that flooding continued on some areas of the site. For example, the ditch between Spring Gardens and the field was not maintained and resulted in flooding. This was a worsening situation.
  - Drainage to the rear of Spring Gardens did not serve to alleviate the flooding.
  - Residents wanted clarity on the flood mitigation measures that would be implemented. There was currently uncertainty.

### **Applicant/Agent Representation**

9. Ms Grindy addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=3473>

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

10. Members asked questions of clarification of the applicant/agent and received the following responses:
- Surplus funds generated from the site would be invested into the local area. The specifics of this investment would be determined by the Charitable Trust formed by the Parish Council.
  - The power generated from the site would be significant. The figures provided in the report had been rounded up, but Ms Grindy clarified that in excess of three million megawatts and over 600 tonnes of carbon would be generated, benefiting over 1000 homes.
  - The aim, in relation to drainage and flooding concerns, was to greatly improve the situation. The application included infiltration measures.

## **WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES**

- Maintenance of the site was a condition of approval, and a contract had been drafted for this purpose. This would include sowing of wild flowers to help water retention, annual grass cutting and sheep grazing.

### **Ward Member Representation**

11. Councillors Tony Vickers and Dennis Benneyworth addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=4119>

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

12. Members asked questions of clarification of the Ward Members and received the following responses:
  - Councillor Vickers called-in the application. He was pleased to see the proposal come forward, but it was important to ensure that the necessary steps were being followed throughout the process.
  - He clarified that the proposed development was being promoted by the Parish Council with its partners.
  - Flooding and drainage issues within the red line of the site were the responsibility of David Wilson Homes and not individual residents. Beyond the red line, it would be necessary for multiple partners, including the Charitable Trust, to work together to resolve these concerns. The Ward Members had suggested that this be taken forward in liaison with residents.

### **Member Questions to Officers**

13. Members asked questions of clarification and received the following responses:
  - Greater clarity was sought on the comments made in the report from the Council as Lead Local Flood Authority. Mr Paul Bacchus, Principal Engineer, reported that areas of uncertainty had been raised, but he gave an assurance that officers were satisfied with the drainage measures proposed, which would manage flood risk on the site. Conditions would also ensure that any outstanding drainage matters would be addressed. Further confirmation on these points would be provided as part of the Member questions to Officers.
  - Mr Brown clarified that drainage measures were subject to conditions and that it was common practice that full details would not be provided for drainage prior to the granting of planning permission as this was a costly and time consuming burden for applicants. This was therefore a matter for conditions, and applicants would provide further details once they had some certainty that their proposal would be developed. However, Mr Brown added that the applicant had submitted extensive drainage information and officers had been assured that surface water could be adequately managed on site and would not result in flooding external to the site.
  - However, if the results from the infiltration testing were not acceptable then the site would not be developed at that stage. Similarly, the generation of electricity would be prevented until the drainage measures had been completed. Conditions gave controls over the development.
  - A Flood Risk Assessment and Surface Water Drainage Plan had been produced subsequent to the previous application for the site being withdrawn and sought to address existing drainage concerns, both inside and outside the red line. The information on flood risk external to the red line was provided as context.



## **WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES**

- Mr Brown agreed that the wording of condition 4 (drainage measures) could be amended to make clear that the development would not start generating electricity until the drainage measures were implemented in full.
- Mr Bacchus explained that there was no distinct national guidance on flood risk and drainage for solar farms. However, the nature of these developments meant that any additional surface water run off was minimal. Greater concentration was given to the drainage for access roads for this type of application and measures would be in place for this. The applicant had submitted sufficient information which evidenced that there would not be an increase in surface water run off, with further details secured by conditions. Officers considered that the proposals were acceptable and were satisfied that the proposed drainage measures, which would be fully tested, would manage the surface water run off.
- There was also some assurance that existing areas of flood risk would not be exacerbated by the development. Discussion would however continue on existing drainage issues external to this meeting.
- Mr Bacchus clarified that the maintenance strip referred to in the proposal would have its own dedicated drainage.
- In response to the suggestion that a S106 legal agreement be a consideration for this site to help manage drainage issues, Mr Brown confirmed that the National Planning Policy Framework (NPPF) set an expectation that conditions be secured for a planning application ahead of formulating a S106 legal agreement. Conditions had been secured in relation to drainage matters and for the decommissioning of the site, should planning permission be granted.
- A deer proof fence was part of the proposal and this would ensure that the grazing sheep would be contained within the site.

### **Debate**

14. Councillor Adrian Abbs opened the debate. He firstly made the point that the Committee was restricted to considering what was within the red line of the site. He noted that work had already been undertaken to mitigate the impact of the development and conditions would ensure that controls would remain in place, i.e. in terms of drainage and flood risk.
15. Action needed to be taken on climate change and Councillor Abbs was supportive, on balance, of the application.
16. Councillor Tony Vickers stated he would, with his fellow Ward Members, take forward the concerns of the Spring Gardens' residents and seek to resolve the pre-existing issues that had been highlighted.
17. Councillor Vickers proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and subject to the amendment raised to condition number four. This was seconded by Councillor Antony Amirtharaj who was hopeful that community benefits could be achieved.
18. Debra Inston, Development Control Team Manager, sought clarification on the amended wording for condition four. The amended paragraph was agreed as 'The installation of solar panels shall not commence until the drainage measures have been completed in accordance with the approved details. Thereafter, the development shall be managed and maintained in accordance with the approved details.'

## WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES

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

**RESOLVED** that the Development Manager be authorised to grant planning permission subject to the conditions in the report. Condition number four was amended as follows:

### 4. Drainage Measures

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology;
- d) Include run-off calculations based on current rainfall data models (FEH 2013 preferred), discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- g) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- h) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- i) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- j) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);

**The installation of solar panels shall not commence until the drainage measures have been completed in accordance with the approved details.** Thereafter, the development shall be managed and maintained in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be,

## WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES

and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Supplementary Planning Document (December 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### (2) **Application No. and Parish: 23/01577/FUL - Buildings and land to the rear of Londis Stores, High Street, Church Lane, Chieveley**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 23/01577/FUL in respect of the proposed demolition of industrial units and pigsty, and the construction of 4no. residential dwellings and parking provision (pursuant to refusal 22/00106/FULD).
2. Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was 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 report, and a S106 Agreement.
3. The Chairman asked Mr Paul Goddard, Highways Development Control Team Leader, if he had any observations relating to the application. Mr Goddard stated that the concerns raised by the local community had been noted for this rural road. However, it had been assessed by highways officers on the basis that the site previously housed a bakery. There would therefore have been many vehicles travelling to and from the site, including delivery vehicles.
4. Should the proposal be approved, the number of vehicles was expected to decrease and vehicles were expected to be smaller in scale when compared to its previous commercial use. Refuse vehicles could access the site.
5. The proposal was compliant with the Council's parking standards, would provide EV charging points and cycle storage. There were no objections to the application on highways grounds.
6. In accordance with the Council's Constitution, Mr David Cowan, Parish Council representative, Mr Neil Courtney, objector, and Mr David Mead, agent, addressed the Committee on this application.

#### **Parish Council Representation**

7. Mr Cowan addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwlxBU?t=8932>

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

8. Members did not have any questions of clarification.

#### **Objector Representation**

9. Mr Courtney addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwlxBU?t=8418>

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

10. Members asked questions of clarification of the objector and received the following responses:

## **WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES**

- There had been a previous proposal for two dwellings on this site. This was a much more suitable scheme but it was withdrawn due to concerns over the brownfield areas of the site.
- The site had flooded in June 2023. This followed heavy rains and the storm drains were unable to cope.

### **Agent Representation**

11. Mr Mead addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=9150>

### **Member Questions to the Agent**

12. Members asked questions of clarification of the agent and received the following responses:
- Mr Mead was not aware of a previous proposal for two houses on this site. He stated that the number of dwellings for this proposal had reduced from six to four dwellings.
  - There were two semi-detached sheds which were shared by neighbouring properties.
  - He acknowledged that his brief as agent was to maximise the use of the land.
  - It was not particularly unusual to have obscured glass for a bedroom window. It was chosen in this case as preferable to having a roof light.

### **Ward Member Representation**

13. Councillor Paul Dick addressed the Committee on behalf of his fellow Ward Member, Councillor Heather Codling. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=9628>

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

14. Members did not have any questions of clarification.

### **Member Questions to Officers**

15. Members asked questions of clarification and received the following responses:
- A previous application for the site had been refused by planning officers under delegated powers as it did not achieve nutrient neutrality and there were drainage concerns. Should Members refuse planning permission for additional reasons then the Council could incur costs at an appeal. However, this would depend upon the strength of any additional reasons for refusal.
  - Affordable housing provision did not apply to this proposal.
  - In terms of amenity space, officers sought to follow supplementary planning guidance. The gardens proposed would provide basic requirements including cycle storage, the gardens would not be significantly overlooked or overshadowed. The conclusion of the case officer for the refused planning application was that amenity space was sufficient.
  - The conclusion reached by officers for this application was that the applicant had worked to overcome the specified refusal reasons of the previous planning application.

## **WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES**

- The Village Design Statement was a material consideration and was given weight. Officers felt that the proposal was compliant with the Village Design Statement as it was the intention to use traditional materials and have cottage style windows.
- It was not felt that the development would worsen the flood risk in Chieveley. The infiltration system being proposed could result in improvements to drainage.
- The obscured glass and non-opening window applied to plot 2. This would be on the side elevation of the dwelling. Only the high level upper window could be opened and this was at the required height to prevent overlooking of neighbouring properties. Officers considered this to be acceptable.

### **Debate**

16. Councillor Clive Hooker opened the debate by stating that this was an attractive downlands village. He felt the proposal before the Committee was a poor design and constituted overdevelopment of the plot. Garden space was small.
17. Councillor Hooker considered that if the application was rejected and the decision appealed, then the Planning Inspector could be sympathetic to the Committee's views. He did not feel that the risk of costs should be a deciding factor.
18. Councillor Tony Vickers was surprised that this application was recommended for approval by officers when considering the planning policy implications. He was concerned that approval could set a precedent for future applications. The private amenity space was not acceptable, nor was it acceptable for bedroom windows to be obscured.
19. Councillor Adrian Abbs voiced his concerns. The agent stated that it was the intention to maximise the space available, but Councillor Abbs felt that four dwellings at this site was overdevelopment.
20. Councillor Abbs proposed to refuse planning permission, contrary to the officer recommendation, due to the lack of amenity space, it was contrary to policy, and the line of sight between the proposal and neighbouring properties, and use of obscured glazing to overcome this, was of concern. This was seconded by Councillor Paul Dick with refusal reasons added of overdevelopment and being an unacceptable design in a conservation area.
21. Councillor Antony Amirtharaj felt the proposal contravened the Chieveley Village Design Statement. Debra Inston commented that while officers felt the proposal was in accordance with the Village Design Statement, Members could reach a different conclusion. Councillor Abbs stated that the points made by the Parish Council showed that the proposal was contrary to the Village Design Statement.
22. Councillor Abbs and Councillor Dick, as proposer and seconder, agreed to add, as a reason for refusal, the proposal being contrary to the Chieveley Village Design Statement.
23. Debra Inston, Development Control Team Leader, clarified the reasons for refusal:
  - Overdevelopment of the site, causing harm to the character of the conservation area. The proposal was contrary to policies CS14 and CS19 of the West Berkshire Council Core Strategy, and was not in keeping with the Chieveley Village Design Statement.
  - Sub-standard amenity space was proposed which would impact negatively on future occupants of the dwellings.

## WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES

- Harm to the amenity of the neighbouring flats due to the distance proposed between the flats and the proposed properties.
24. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Dick to refuse. At the vote the motion was carried.

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

1. The application site is situated within the Chieveley Conservation Area, which forms the historic centre of the village of Chieveley. The proposed dense arrangement of four dwellings, with such limited outdoor amenity space would appear wholly discordant and cramped in comparison to the pattern and character of development in the surrounding area. The proposed development would result in an overdevelopment of the site, by virtue of its mass, scale and inappropriate design, resulting in a detrimental impact that fails to preserve or enhance the character and appearance of the Chieveley Conservation Area. This is contrary to the NPPF, Policies CS14, CS19 of the West Berkshire Core Strategy (2006-2026) and the Chieveley Village Design Statement (2002).
2. The proposed development fails to provide a sufficient amount of private amenity space to serve the future occupiers of the proposed development, resulting in inadequate living conditions, and so is contrary to Policy CS14 of the West Berkshire Core Strategy (2006-2026) and The Quality Design Supplementary Planning Document Part 2: Residential Development (2006).
3. Plots 1 and 2 are situated 10-12 metres away from the flats to the east of the application site, the first floor windows of the proposed dwellings will result in unacceptable levels of actual and perceived loss of privacy to the occupiers of those flats, which will be harmful to their living conditions. This will be contrary to Policy CS14 of the West Berkshire Core Strategy (2006-2026) and The Quality Design Supplementary Planning Document Part 2: Residential Development (2006).

### **(3) Application No. and Parish: 23/02714/HOUSE - 10 Speen Lane, Newbury**

#### **Continuation of meeting**

25. In accordance with the Council's Constitution, Part 3, point 10.8, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore proceeded with Agenda Item 4(3).
26. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/02714/HOUSE in respect of a proposed two storey side extension and single storey rear extension with associated alterations.
27. Mr Lewis Richards, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was 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.
28. The Chairman asked Mr Paul Goddard, Highways Development Control Team Leader, if he had any observations relating to the application. Mr Goddard reported that as the access would be unchanged and the existing parking area retained, there were no objections on highways grounds.

## WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES

### Ward Member Representation

29. Councillor Antony Amirtharaj addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=11985>

### Member Questions to the Ward Member

30. Members asked questions of clarification and received the following responses:

- Other dwellings in Speen Lane did have garages, but there was concern that the proposed positioning of the garage for this application would cause overlooking of neighbours.
- The site had been in its present condition for eight months and Councillor Amirtharaj was concerned that the property would not be used for its proposed purpose and that the wall/hedging on the property would not be restored.

### Member Questions to Officers

31. Members asked questions of clarification and received the following responses:

- Officers would not ordinarily condition space for cycle stores for a householder extension.
- There was no longer a garage being proposed as part of the application.
- It was the opinion of officers that imposing a condition preventing the property being converted into a HMO would be unreasonable and would contravene the six tests outlined in the National Planning Policy Framework.
- Legislation had been changed to differentiate between permissions required for different classes of HMO.
- The flat roof on the property was 4m deep and 3m high so would be categorised as a permitted development and therefore did not require planning permission.
- The previous application, which was withdrawn, sought permitted development rights for more than six people. Officers advised that the property could become a six person HMO without these rights.
- There were no parking standards for HMOs, however past appeal decisions had permitted 0.5 spaces per bedroom. The proposed parking allocation was unchanged.

### Debate

32. Councillor Hooker opened the debate by advising that he could not see any reason for the proposal to be rejected and proposed that the Development Manager be authorised to grant planning permission subject to the conditions listed in the main report and update report.
33. Councillor Anthony Amirtharaj seconded the motion but suggested that a restriction on the property being used as an HMO be explored further as there were no other properties in the area that were being occupied in such a way.
34. Councillor Howard Woollaston stated that an HMO would be inappropriate for the area and advised that he would like to see a condition put in place to prevent this.
35. Councillor Paul Dick was minded to follow Officer's advice and not include a condition restricting HMOs.
36. Councillor Tony Vickers added that there could be other HMOs in the area. He did not feel that a condition in this regard would be defensible.
37. Councillor Denise Gaines stated that any house on Speen Lane could be turned into an HMO down the line and it was not fair for this applicant to be singled out.

**WESTERN AREA PLANNING COMMITTEE - 22 MAY 2024 - MINUTES**

- 38. Councillor Amirtharaj advised that the applicant had a history of building HMOs and he was confident there were no HMOs on Speen Lane currently. He suggested that it may be unfair on the community if an HMO was to be placed there and suggested that guidance could be placed to advise against the building of an HMO.
- 39. Councillor Nigel Foot did not believe the Committee could implement this restriction as, if the property was at or below the limit of six, they did not need to apply for planning permission anyway.
- 40. Councillor Clive Hooker 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 Anthony Amirtharaj, having withdrawn his request for a condition that restricted the dwelling becoming an HMO.
- 41. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Amirtharaj, 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 listed in the main report and update report.

*(The meeting commenced at 6.30pm and closed at 10.15pm)*

**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 WEDNESDAY, 19 JUNE 2024

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

**Also Present:** Jake Brown (Principal Planning Officer), Samuel Chiverton (Zoom Host), Gareth Dowding (Principal Highways Engineer), Bob Dray (Development Manager), Cheyanne Kirby (Senior Planning Officer), Ben Ryan (Clerk) and Beth Varcoe (Solicitor).

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

### PART I

#### 1. Minutes

The Minutes of the meeting held on 20 March 2024 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendment:

- Paragraph 73 should note that Councillor Barnett had concerns with the retail store in relation to the stores in the nearby retail park.

The Minutes of the meetings held on 24 April 2024 and 9 May 2024 were approved as a true and correct record and signed by the Chairman.

#### 2. Declarations of Interest

Councillor Clive Hooker declared an interest in Agenda Item 4(1), as he had been lobbied on the matter but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Howard Woollaston declared an interest in Agenda Item 4(1), as he had been a Member of the Western Area Planning Committee that decided the previous application, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

The Chairman declared an interest in Agenda Item 4(1), as he had spoken to the parties involved with the application, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

The Chairman declared an interest in Agenda Item 4(3), as he was a Member of the Newbury Town Council and Greenham Parish Council planning committees that approved the application, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Nigel Foot declared an interest in Agenda Item 4(3), as he was a Member of the Newbury Town Council Planning Committee that approved the item, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tony Vickers declared an interest in Agenda Item 4(3), as he was a Member of Newbury Town Council and had proposed for the development to be approved in 2009, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

### 3. Schedule of Planning Applications

#### (1) Application No. and Parish: 24/00491/FUL East Garston

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 24/00491/FUL in respect of the demolition of the existing structurally compromised cottage and provision of a replacement cottage, with provision for access and related landscaping at Greengates, Front Street, East Garston.
2. Ms Cheyanne Kirby introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Deana Carpenter, Parish Council representative, Lindsey Mason, objector, Howard Porter, applicant/agent, and Councillor Hooker, Ward Member addressed the Committee on this application.

#### Parish/Town Council Representation

4. Ms Carpenter addressed the Committee, her full representation can be viewed here: <https://www.youtube.com/watch?v=fAhQEXtlzgY>

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

5. Members asked questions of clarification and were given the following responses:
  - The setting back of the cottage would change the aesthetic of the village and its current position encouraged cars to slow down.
  - Objectors would withdraw their concerns if the access route was in the same position as the temporary route.

#### Objector Representation

6. Ms Mason addressed the Committee, her full representation can be viewed here: <https://youtu.be/fAhQEXtlzgY?t=1616>

#### Member Questions to the Objector

7. Members asked questions of clarification and were given the following responses:
  - Multiple windows would overlook Ms Mason's property and infringe on her privacy.
  - The conditions put on the kerb and the hedge would be difficult to enforce long term.

#### Applicant/Agent Representation

8. Mr Porter addressed the Committee, his full representation can be viewed here: <https://youtu.be/fAhQEXtlzgY?t=2130>

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

### Member Questions to the Applicant/Agent

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

- The appeal for the previous application was still in process.
- The existing access could be improved, and the existing wall needed to be protected, which was why the applicant opted for the left-hand access.
- Most tiles on the roof were not reusable.

### Ward Member Representation

10. Councillor Hooker addressed the Committee, his full representation can be viewed here: <https://youtu.be/fAhQEYtlzgY?t=2636>

### Member Questions to the Ward Member

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

- The new application added an additional 2.5 metres to the property, towards the access.

### Member Questions to Officers

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

- If the hedge was to be conditioned, enforcement notices could be actioned if it was overgrown and then West Berkshire Council (The Council) could cut it to an appropriate size.
- The public benefit of the application outweighed the potential low-level harm outlined by the Conservation Officer.
- Paragraph 6.13 of the report aimed to be a best possible case and the condition would allow the Council to control the type of bricks used.
- Highways were satisfied with the proposed access as it improved an existing access.

### Debate

13. Councillor Hooker opened the debate by stating there was an appeal in process over the previous application and proposed there should be a deferral until the appeal had been considered. The Councillor explained that the deferral would be advantageous due to time pressures. The proposal found no seconder.

14. Councillor Tony Vickers argued that as time had already been spent considering the application it made no sense to defer the item and waste more time.

15. Mr Bob Dray cautioned Members against deferral as the Local Planning Authority had a duty to assess applications before them.

16. Councillor Vickers noted the impact on the street scene, privacy, and access issues. The Councillor acknowledged the applicant's attempt to address the objector issues and expressed that some of the concerns were at odds with each other. Councillor Vickers stated that the privacy concerns did not weigh up against the improvements to the highway, which he saw as crucial to protect residents from harm.

17. Councillor Antony Amirtharaj agreed that the application was flawed, however argued that if the application was approved with strong conditions, such as on the box hedge, it would be a better application than one that might be won through appeal.

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

18. Councillor Howard Woollaston expressed that he was reluctant to approve the application, however after considering officers' views on the sightlines he feared that it was the best possible outcome.
19. Councillor Denise Gaines was sad to see that the existing building had to be demolished and was keen to see every piece of reusable material on the site re-used. The Councillor explained that as she understood the reasons for the placement of the access, she was prepared to accept the proposal.
20. Mr Dray explained that condition nine could be amended to directly refer to condition six.
21. Councillor Woollaston proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report and the alteration to condition nine to reference condition six. This was seconded by Councillor Vickers.
22. Councillor Paul Dick argued that the change to the street scene was disappointing and the infringement on the neighbour's privacy was not a minor issue to be ignored.
23. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor 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 the following conditions:

**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</p>

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	<p>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.</p>

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	<p>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 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>

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	<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</p>

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	<p>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>
<p>17.</p>	<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> <ul 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> </ul> <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-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
<p>18.</p>	<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>
<p>19.</p>	<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> <ul style="list-style-type: none"> <li>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites 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</li> </ul>



**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	<p>provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
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</p>

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	<p>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>

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

	<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>

### (2) **Application No. and Parish: 22/01899/FUL, Enborne Row, Wash Water**

24. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/01899/FUL in respect of the 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 at Land West Of Pumping Station, Enborne Row, Wash Water.
25. Ms Kirby introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
26. In accordance with the Council's Constitution, Chris Garrett, Parish Council representative, Edward Evelegh and Alex Pearce, objectors, Peter Brownjohn, applicant/agent, and Councillor Dennis Benneyworth, Ward Member, addressed the Committee on this application.

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

27. Mr Garrett addressed the Committee, his full representation can be viewed here: <https://youtu.be/fAhQEXtlzgY?t=5821>

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

28. Members asked questions of clarification and were given the following response:
- Mr Garrett had not experienced flooding at the site.

#### **Objector Representation**

29. Mr Evelegh and Mr Pearce addressed the Committee, their full representation can be viewed here: <https://youtu.be/fAhQEXtlzgY?t=6116>

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

### Member Questions to the Objector

30. Members asked questions of clarification and were given the following response:

- The Ecological Surveyor for the application only assessed the site on one evening, which was why they did not find anything.

### Applicant/Agent Representation

31. Mr Brownjohn addressed the Committee, his full representation can be viewed here: <https://youtu.be/fAhQEXtlzgY?t=6647>

### Member Questions to the Applicant/Agent

32. Members asked questions of clarification and were given the following response:

- a. The site was outside of settlement boundaries as the cost of land was cheaper outside settlement boundaries and land inside settlement boundaries usually went to housing.

### Ward Member Representation

33. Councillor Benneyworth addressed the Committee, his full representation can be viewed here: <https://youtu.be/fAhQEXtlzgY?t=7122>

### Member Questions to the Ward Member

34. Members did not have any questions of clarification.

### Member Questions to Officers

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

- Paragraph 5.24 of the report set out the Council's need for Gypsy and Traveller pitches.
- The Council must maintain a five-year supply of pitches for Gypsies and Travellers.
- Planning Policy had conducted calls for Gypsy and Traveller sites and the sites offered were considered sub-standard.
- The stop notice was temporary, and enforcement would not take place until the application decision had been provided.
- The site in the application was not an allocated site, but policy CS7 stated, where sites fulfilled the relevant criteria for Traveller and Gypsy pitches in the countryside, the application would be considered.
- National policy aimed to avoid sites for Gypsies and Travellers that were secluded for inclusion and sustainability reasons. The application site was not considered isolated based on previous appeal decisions.
- Conditions could be applied to the number of families per pitch; however the Committee would need a planning reason for it and the same for the granting of personal permission.
- Planning Officers believed that there was no need for a contamination condition, however Members could condition the matter.
- The application was retrospective due to the change of use that occurred, but there were proposed works that were to be carried out.
- The two buildings were occupied.

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

### Debate

36. Councillor Woollaston opened the debate by stating he was uneasy with the application due to its retrospective nature, position of the site and the potential for further development.
37. Councillor Vickers believed the 'system' did not help Traveller communities, making the acquisition of land difficult. The Councillor expressed that national policy needed to be readdressed.
38. Councillor Hooker expressed distaste for the retrospective nature of the application and stated that the applicant should have applied for planning permission in the first instance.
39. Councillor Amirtharaj sympathised with the applicant stating he felt the Committee may have been too harsh and believed that they should look at the application from the viewpoint of what would be in the best interest for the family. The Councillor sympathised with the Parish Council's viewpoint but argued that the development would have been lawful if it went through the proper process.
40. Councillor Dick felt the application was cynical but recognised the need for Gypsy and Traveller sites. The Councillor noted the sites' location outside the settlement boundary, weak enforcement and the need to balance competing interests. Councillor Dick suggested temporary planning approval due to the need for such sites in the short term.
41. Councillor Foot acknowledged the difficult nature of the retrospective planning application, however understood the difficulties facing such communities.
42. Councillor Vickers argued there had been sufficient negotiation from the applicant and that the Committee should go with the application.
43. Councillor Hooker felt that the site was impressive but asked for a condition around land testing.
44. Councillor Vickers argued there was no need for a land testing condition as Officers were satisfied. The Councillor also believed that there were no grounds for a temporary condition.
45. Councillor Woollaston asked for the number of plots to be conditioned and it was confirmed to already be the case.
46. Councillor Gaines offered support for the land testing condition.
47. Councillor Foot proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report, update report and the inclusion of a land contamination test condition. This was seconded by Councillor Vickers
48. The Chairman invited Members of the Committee to vote on the proposal by Councillor Foot, seconded by Councillor 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 the following conditions

1.	<b>Commencement of development</b> Within 3 months of the date of this decision, works shall be completed to bring the development in accordance with the approved plans.
----	--

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	<p>Reason: The existing development on site does not accord with the approved plans, and therefore remedial works are required.</p>
2.	<p><b>Approved plans</b>  The development hereby permitted shall be carried out in accordance with the following approved plans/documents:  Proposed Site Plan J004098-DD-03 Rev A received 8th August 2022;  Proposed Day Room Plans J004098-DD-04 received 8th August 2022;  Location Plan J004098-DD-01 Rev A received 8th August 2022;  Proposed Section and Levels J004098-DD-05 received 8th August 2022;  Supporting Statement received 8th August 2022;  Landscape and Visual Impact Assessment received 7th February 2023;  Flood Risk Assessment dated May 2023 received 24th May 2023;  Surface Water Drainage Strategy received 31st May 2023;  Biodiversity Metric received 12th February 2024;  Ecological Impact Assessment dated February 2024 received 12th February 2024.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Materials</b>  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>  Within 3 months of the date of this decision notice the vehicle parking spaces for each pitch shall be 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>  Within 3 months of the date of this decision, 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</li> </ul>

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	<p>accordance with Figure 3 on page No 5.          - There shall be no raising of existing ground levels on site in Flood Zone 2 or Floor Zone 3 all in accordance with paragraph 2 of page No 5.</p> <p>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>
<p>6.</p>	<p><b>Ecology</b>          All further 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>
<p>7.</p>	<p><b>External lighting</b>          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 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>
<p>8.</p>	<p><b>Maximum pitches</b>          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</p>

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

	National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026
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>
11.	<p><b>Contamination</b></p> <p>Within 3 months of the date of this decision*, an investigation into any contaminated land shall be carried out and a report submitted to the Local Planning Authority (LPA) for approval. The report shall:</p> <p>(a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).</p> <p>(b) Include a remediation scheme* which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.</p> <p>(c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.</p> <p>(d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.</p> <p>Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out within 3 months* of the date of approval of the scheme/measures, and in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme. Within 4 months of the date of approval of the scheme/measures, a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.</p>



## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

(\* Unless otherwise agreed in writing by the LPA)

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

### (3) Application No. and Parish: 23/01100/RESMAJ, Greenham

49. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/01100/RESMAJ in respect of the 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 at Newbury Racecourse, Racecourse Road, Newbury.
50. Mr Jake Brown 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 Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
51. In accordance with the Council's Constitution, Suzanne Hyde, objector, Georgina Mortimer, applicant/agent, and Councillor Phil Barnett, Ward Member addressed the Committee on this application.

#### Objector Representation

52. Ms Hyde addressed the Committee, her full representation can be viewed here: <https://www.youtube.com/watch?v=fAhQEXtlzgY>

#### Member Questions to the Objector

53. Members asked questions of clarification and were given the following response:

- If there was to be a space provided for community events the objector would like to see a public club house or exercise space.

#### Applicant/Agent Representation

54. Ms Mortimer addressed the Committee, her full representation can be viewed here: <https://www.youtube.com/watch?v=fAhQEXtlzgY>

#### Member Questions to the Applicant/Agent

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

- The number of spaces for the car club were calculated in partnership with Enterprise.

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

- There was no community centre proposed within the Section 106 Agreement.
- One block would be social rented, one block would be shared ownership and one block was to be shared private ownership and shared ownership.
- Changes to the plans were made due to the need to reduce the carbon footprint, the implementation of new regulations and the increased cost of concrete.
- Heating would be supplied by gas boilers combined with photovoltaic (PV) panels.
- Some dwellings would come with disabled parking; however the applicant was unsure whether visitor parking would.

### Ward Member Representation

56. Councillor Barnett addressed the Committee, his full representation can be viewed here: <https://youtu.be/fAhQEXtlzgY?t=12166>

### Members Questions to Ward Member

57. Members did not have any questions of clarification.

### Continuation of meeting

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

### Member Questions to Officers

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

- The application was assessed against current policy, however the application was a reserved matters application, so some aspects had been dealt with in the outline matters stage.
- Community facilities needed to be implemented in the section 106.
- There were two play areas available that had already been developed and this was seen as sufficient.
- Blocks B, C and part of B2 were made up of affordable housing.
- Management companies had difficulties managing mixed tenure blocks.

### Debate

60. Councillor Dick 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.

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

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

### Conditions

1. Link between reserved matters and outline

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

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

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.

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.

### 2. Approved plans

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

- Site Layout Plan (with the exception of soft landscaping), drawing number SL.01 Rev B received on 2 May 2024.
- Parking Strategy Layout Plan, drawing number PSL.01 Rev B received on 2 May 2024.
- Location Plan, drawing number LP.01 Rev A received on 5 March 2024.
- Affordable Housing Layout Plan, drawing number AGHL.01 Rev A received on 5 March 2024.
- Dwelling Material Layout Plan, drawing number DML.01 Rev A received on 5 March 2024.
- Refuse Site Layout Plan, drawing number RSL.01 Rev A received on 5 March 2024.
- Flat Block – A1 Elevations Plan, drawing number FB-A1.e Rev A received on 5 March 2024.
- Flat Block – A1 Proposed Floor Plan, drawing number FB-A1.p Rev A received on 5 March 2024.
- Flat Block – A1 Roof Plan, drawing number FB-A1.rp Rev A received on 5 March 2024.
- Flat Block – A2 Elevations Plan, drawing number FB-A2.e Rev A received on 5 March 2024.
- Flat Block – A2 Proposed Floor Plan, drawing number FB-A2.p Rev A received on 5 March 2024.
- Flat Block – A2 Roof Plan, drawing number FB-A2.rp Rev A received on 5 March 2024.
- Flat Block – B1 Elevations Plan, drawing number FB-B1.e Rev A received on 5 March 2024.
- Flat Block – B1 Proposed Floor Plans – Sheet 1, drawing number FB-B1.p1 Rev A received on 5 March 2024.
- Flat Block – B1 Proposed Floor Plans – Sheet 2, drawing number FB-B1.p2 Rev A received on 5 March 2024.
- Flat Block – B1 Roof Plan, drawing number FB-B2.rp Rev A received on 5 March 2024.
- Flat Block – B2 Elevations Plan, drawing number FB-B2.e Rev A received on 5 March 2024.
- Flat Block – B2 Proposed Floor Plans – Sheet 1, drawing number FB-B2.p1 Rev A received on 5 March 2024.
- Flat Block – B2 Proposed Floor Plans – Sheet 2, drawing number FB-B2.p2 Rev A received on 5 March 2024.
- Flat Block – B2 Roof Plan, drawing number FB-B2.rp Rev A received on 5 March 2024.
- Flat Block – C Elevations Plan, drawing number FB-C.e Rev A received on 5 March 2024.
- Flat Block – C Proposed Floor Plans, drawing number FB-C.p Rev A received on 5 March 2024.
- Flat Block – C Roof Plan, drawing number FB-C.rp Rev A received on 5 March 2024.
- Flat Block – D Elevations Plan, drawing number FB-D.e Rev A received on 5 March 2024.

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

- Flat Block – D Proposed Floor Plans, drawing number FB-D.p Rev A received on 5 March 2024.
- Flat Block – D Roof Plan, drawing number FB-D.rp Rev A received on 5 March 2024.
- Flat Block - D - Cycle Store Floor Plans and Elevations, drawing number FB-D\_CS.pe Rev A received on 5 March 2024.
- Flat Block – G Elevations (Sheet 1 of 2) Plan, drawing number FB-G.e1 Rev A received on 5 March 2024.
- Flat Block – G Elevations (Sheet 2 of 2) Plan, drawing number FB-G.e2 Rev A received on 5 March 2024.
- Flat Block – G Proposed Floor Plans, drawing number FB-G.p Rev A received on 5 March 2024.
- Flat Block – G Roof Plan, drawing number FB-G.rp Rev A received on 5 March 2024.

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

### 3. Cycle Storage/Parking

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.

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).

### 4. Vehicle Parking

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.

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).

### 5. Protection from external noise

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.

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

The noise mitigation measures shall be retained and maintained thereafter.

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.

### 6. Electric vehicle charging points

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.

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.

### 7. Refuse Storage

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.

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 Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).

### 8. Layout and design standards

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, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### 9. Delivery hours

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:

Mondays to Fridays: 07:30 to 18:00

Saturdays: 08:30 to 13:00.

## WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES

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

Vehicle engines [and refrigeration units] shall be switched off during deliveries, and no engine idling shall be permitted.

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).

### 10. Customer opening hours

The commercial premises located on the ground floor of block A1 shall not be open to customers outside of the following hours:

07:00 to 22:00 Monday to Saturday

08:00 to 17:00 on Sundays and Bank Holidays.

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).

### 11. Permitted uses within Class E

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).

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 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).

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).

**WESTERN AREA PLANNING COMMITTEE - 19 JUNE 2024 - MINUTES**

**Informatives**

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
  
2. 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.
  
3. 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.
  
4. 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: [building.control@wokingham.gov.uk](mailto:building.control@wokingham.gov.uk), or visit: [www.wokingham.gov.uk/building-control](http://www.wokingham.gov.uk/building-control)

*(The meeting commenced at 6.30pm and closed at 10.16pm)*

**CHAIRMAN** .....

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

This page is intentionally left blank



# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	23/01037/FUL Newbury Town Council	28 <sup>th</sup> July 2023 <sup>1</sup>		Erection of a new building containing 5 two bedroom flats with associated infrastructure and landscaping on land adjacent to Greenham House  Newbury Gardens Day Nursery, Greenham House, Greenham Road, Newbury, RG14 7HS  Serrate Ltd

<sup>1</sup> Extension of time agreed with applicant until 30<sup>th</sup> July 2024.

The application can be viewed on the Council's website at the following link:  
To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01037/FUL>

And

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RU2T4WRD0S100>

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

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

**Ward Member(s):** Councillor Martin Colston and Councillor Louise Sturgess

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

**Committee Site Visit:** 22<sup>nd</sup> July 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 The purpose of this report is to set out for Committee the proposed development and an assessment against the policies of the development plan and the relevant material considerations, to enable Committee to reach a decision as to whether to approve or refuse the application. The application seeks planning permission for the erection of a new building for 5 two-bedroom flats with associated infrastructure and landscaping on land adjacent to Greenham House.
- 1.2 Greenham House is a grade II listed building. To the north of the proposed development is the Newbury Conservation area. A railway line and Newbury Station is also to the north of the proposed development.
- 1.3 Permission 20/02191/FUL has commenced on site. This permission was for the erection of a new building containing 4 two-bedroom flats with associated infrastructure and landscaping. This proposal seeks to increase the height of the building to accommodate a fifth two-bedroom dwelling within the roof and includes the insertion of four dormers.
- 1.4 Amendments to the parking layout were made during the application. Further amendments to the proposed dormer design were received on the 4<sup>th</sup> June 2024. The recommendation is based on the amended plans.

## 2. Planning History

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

Application	Proposal	Decision/ Date
20/02191/FUL	Erection of a new building containing 4 two bedroom flats with associated infrastructure and landscaping	Approved 15.01.2021
23/00345/COND	Application for approval of details reserved by conditions 3. (Materials), 4. (Landscaping), 6. (Electric Charging Point), 7 (CMS), 11. (Noise) and 12. (Air Quality) of approved 20/02191/FUL - Erection of a new building containing 4 two bedroom flats with associated infrastructure and landscaping	Approved 22.05.2023
23/01011/COND	Application for approval of details reserved by condition 10 (Scheme of Surface Water drainage) of planning permission 20/02191/FUL - Erection of a new building containing 4 two bedroom flats with associated infrastructure and landscaping	Approved 22.12.2023

## 3. Legal and Procedural Matters

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

3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 1<sup>st</sup> September 2023 at the application site, with a deadline for representations of 22<sup>nd</sup> September 2023.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	No	No	
Affordable Housing	Yes	Yes	6.6
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

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

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

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

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

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 It is acknowledged that there is a property where there may be some impact from the development. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area, and is proportionate given the overall benefits of the scheme in terms of provision of additional housing in a sustainable location.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 **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. Special regard has been given to potential impacts on the listed building of Greenham House.
- 3.13 **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. Attention has been given to potential impacts on the Newbury Conservation Area to the north of the site.

## 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>Newbury Town Council:</b>	No objection provided the concerns raised by the Local Highway Authority are addressed.
<b>WBC Highways:</b>	Initial objection to a proposed parking space reducing that available for the day nursery. No objection subject to conditions following receipt of amended plans.
<b>SUDS:</b>	Objection following receipt of flood risk assessment and surface water drainage plans.
<b>Conservation:</b>	No comments received.
<b>Trees:</b>	Initial objection to unjustified removal of a tree and insufficient information. No objection subject to conditions following receipt of additional information.
<b>Archaeology:</b>	No Objection.
<b>Public Protection:</b>	No objection subject to conditions.
<b>Thames Water:</b>	No Response

### *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:
- Highway safety concerns
  - Traffic impacts
  - Pedestrian safety concerns
  - Access for refuse vehicles
  - Increase in parking
  - Impact on trees
  - Drainage/flooding concerns
  - Impact on neighbouring amenity
  - Presence of Japanese knotweed
  - Impact from proposed landscaping
  - Ecology impacts
  - Overdevelopment
  - Impact on listed building

- Noise 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, ADPP2, CS1, CS5, CS6, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and 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)
- WBC Sustainable Drainage Systems SPD (2018)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity

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

6.2 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.

6.3 The application site is located within the defined settlement boundary of Newbury. 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 for brownfield sites.

6.4 The principle of residential development has also been established by the approval and commencement of works on site of planning permission 20/02191/FUL for the erection of a new building containing 4 two-bedroom flats.

- 6.5 Being within the settlement boundary the principle of the proposed residential 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.

### ***Affordable Housing***

- 6.6 Policy CS6 requires development from 5 to 9 dwellings to provide 20% onsite affordable housing, which equates to 1 dwelling available for Social Rent. The Housing Development Officer has indicated that such a mix would accord with the requirements of the Core Strategy Policy CS6.
- 6.7 To secure a policy-compliant level of affordable housing under policy CS6 and the Planning Obligations SPD, a planning obligation is required.

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

- 6.8 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.
- 6.9 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.
- 6.10 This application differs from the previous in the following ways:
- Insertion of four dormers to the roof - two to the north elevation, one to the east elevation and one to the west elevation
  - Roof height increase by a maximum of 0.3m
  - Removal of chimney

- 6.11 The principle of the building in this location and its overall design has been established as acceptable under the development plan policies. Consideration of this application is therefore focused on the proposed increase in roof height and the insertion of dormers for the additional flat.

- 6.12 The overall roof form will remain similar to that approved, with the proposed changes not considered to have a significant impact on the character and appearance of the area including the adjacent conservation area. The proposed dormers have been reduced in size to decrease their visual bulk and impact on the conservation area.

- 6.13 The NPPF recognises the importance of protecting and improving the setting of heritage assets by stating that 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)'. So impact on the

setting of a heritage asset is a key aspect of whether a development is 'sustainable' or not, as defined by the NPPF.

- 6.14 Setting is the surroundings in which an asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. Setting embraces all of the surroundings from which the heritage asset can be experienced, or that can be experienced from or with the asset. Setting does not have a fixed boundary, and cannot be definitively described as a spatially bounded area, or as lying within a set distance from a heritage asset.
- 6.15 The application site forms part of the curtilage of the Grade II listed Greenham House, immediately to the south of the Newbury Town Centre Conservation Area. It is therefore important in terms of the setting of the Grade II listed building and the approach to and views into and out of the Conservation Area. It is an important open space on the corner of Station Road and Greenham Road, and, if further developed, it seeks to retain its verdant corner character, by retaining existing protected trees on the site, as well as taking account of the "grain" and building line of existing development on the Station Road street frontage, which is largely 2 storey although it is noted that the area does include rooms in some roofs which are similar to the current scheme.
- 6.16 The current submission seeks to address these parameters in a less intensive development than those previously proposed, and is considered an improvement in that respect.
- 6.17 The key issue from a building conservation point of view relates to the impact of the proposed development impact on the setting of Greenham House. The level of harm is now considered less than significant, but the level of harm of the proposed development, in NPPF terms, must be weighed against its public benefits. The development will bring 5 dwellings in a sustainable location very close to the Town Centre and Railway Station. The development will retain most of the boundary trees and will retain the existing site entrance as it is.
- 6.18 Therefore the proposed works are considered to comply with the NPPF and policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### ***Amenity***

- 6.19 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. 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.
- 6.20 The proposal seeks to increase the overall height by up to 0.3m. The proposal does not seek to alter the approved footprint of the building.
- 6.21 The proposed dormers are not considered to have a significant impact on neighbouring amenity due to the proposed location of these which is away from the neighbouring dwelling located to the west of the application site.
- 6.22 The Quality Design SPD requires that an area of amenity space on site is required for residents, which 5x 25m<sup>2</sup>, a total of 125m<sup>2</sup>. A total amenity area of over 500sqm is proposed to be provided and therefore is acceptable.
- 6.23 Due to the location of the site close to the A339 Environmental Health identified noise and air quality mitigation measures are required to ensure the quality of life for future residents. The submission includes details of noise and air quality measures which can



be secured by condition. Obscure glazing is required to the western elevation where glazing is proposed for the non-habitable rooms to allow natural light. As this is the stairwell the obscure glazing will prevent any overlooking to neighbouring dwelling located to the western boundary.

- 6.24 Overall, there is not considered to be a significant impact on amenity and the proposal complies with the NPPF and Policy CS14 of the Core Strategy.

### ***Highways***

- 6.25 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.
- 6.26 During the application the Council's Highways Officer was consulted and raised an objection to the proposed parking. Policy P1 states that in this location 2 bedroomed flats should be provided with one space per dwelling and one visitor space. An amended site plan was submitted which provided the required parking and visitor space.
- 6.27 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, and provision of cycle storage; these conditions have been deemed acceptable.
- 6.28 With the identified conditions 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***

- 6.29 The application site is located within an area that is at high risk of surface water flooding and therefore a flood risk assessment is required as part of Policy CS16 and the NPPF.
- 6.30 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.
- 6.31 A flood risk assessment and surface water drainage plan were submitted however this was not deemed acceptable by the drainage engineer and required further information. However, the previously approved scheme has commenced on site and this is a material consideration. The existing permission included a drainage condition which was approved under planning permission 23/01011/COND.
- 6.32 Where the footprint of the proposed building is not proposed to alter and would remain the same as the existing permission, it is considered that overall the proposed building accords with the NPPF and Policy CS16 of the West Berkshire Core Strategy (2006-2026) with regard to flooding. A condition is to be applied to secure sustainable drainage measures.

## **Trees**

- 6.33 Policies CS18 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant in this instance. The Council's Tree Officer was consulted. They required additional information. The proposal includes a Tree Protection Plan and a replacement tree for T1 Indian Bean Tree which falls under Tree Protection Order 939.
- 6.34 The Tree Officer has no objections to the proposal, provided works are carried out as stated in the submitted report. They recommend conditions to secure the works being carried out in accordance with the submitted information and arboricultural supervision and provision of a soft landscaping scheme.
- 6.35 Subject to the conditions identified, the proposed development would therefore be in accordance with Policies CS18 and CS19 of the West Berkshire Core Strategy Development Plan Document (2006-2026).

## **Other matters**

- 6.36 A number of pre-commencement conditions have been recommended including Environmental Health and Trees; these have not been included as works have already commenced in accordance with Section 56 of the Town and Country Planning Act therefore works in relation to approved planning permission 20/02191/FUL can proceed. However, the details of those conditions are recommended to be applied where this application, if approved, would result in a new and separate permission.

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

- 7.1 The proposal has been carefully assessed to ensure that the proposal is appropriate in scale and design whilst taking into consideration the impact on the character and appearance of the area including the adjacent conservation area and listed building. The proposal would have a less than significant impact on the adjacent listed building.
- 7.2 The alterations of the proposed scheme have been carefully considered and the removal of the chimney, the increase in roof height and the insertion of dormers are not considered to have a significant impact on the character and appearance of the area and neighbouring amenity.
- 7.3 A number of conditions have been identified which would mitigate the impact of the development including providing for the quality of life of future residents. The affordable housing can be secured through a planning obligation.
- 7.4 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 conditional APPROVAL.

## **8. Full Recommendation**

- 8.1 **PROVIDED THAT** a Section 106 Agreement or Unilateral Undertaking has been completed within 3 months (or such longer period that may be authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee), to delegate to the Development Manger to **GRANT PLANNING PERMISSION** subject to the planning conditions listed below.
- 8.2 **OR**, if a Section 106 Agreement or Unilateral Undertaking is not completed, to **REFUSE PLANNING PERMISSION** for the reasons listed below.

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

1.	<p><b>Affordable housing</b></p> <p>Obligations to secure 20% affordable housing:</p> <ul style="list-style-type: none"> <li>• Provision of affordable housing consisting of one dwelling for Social Rent,</li> <li>• Or, provision of a suitable contribution to be agreed with the Local Planning Authority in consultation with the Council's Housing department.</li> </ul>
2.	<p><b>Council's Costs</b></p> <ul style="list-style-type: none"> <li>• To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement or Unilateral Undertaking through an administration fee.</li> </ul>

### ***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>Air Quality Report Ref: 22-10111 received 2<sup>nd</sup> May 2023;  Construction Method Statement and Plan received 2<sup>nd</sup> May 2023;  Landscaping Plan 871/ARB/01 P01 received 2<sup>nd</sup> May 2023;  Materials Schedule 871-MS-01 received 2<sup>nd</sup> May 2023;  Noise Impact Assessment Ref: 22-10111 received 2<sup>nd</sup> May 2023;  Location Plan P-01-00 received 2<sup>nd</sup> May 2023;  Proposed Ground Floor Plan P-01-00 received 2<sup>nd</sup> May 2023;  Proposed First Floor Plan P-03-01 received 2<sup>nd</sup> May 2023;  Proposed Second Floor Plan P-03-12 received 4<sup>th</sup> June 2024;  Proposed Elevations 1 P-05-00 received 4<sup>th</sup> June 2024;  Proposed Elevations 1 P-05-01 received 4<sup>th</sup> June 2024;  Tree Constraints Plan 1480-KC-XX-YTREE-TCP01Rev0 received 18<sup>th</sup> September 2023;  Tree Protection Plan 1480-KC-XX-YTREE-TPP01Rev0 received 18<sup>th</sup> September 2023;  Electric Vehicle Charging Plan P-100-05 Rev C received 23<sup>rd</sup> November 2023;  Proposed Site Block Plan P-01-02 Rev C received 23<sup>rd</sup> November 2023;  Surface Water Drainage Plan P-100-02 Rev B received 24<sup>th</sup> November 2023;  Flood Risk Assessment 00371 Greenham House received 22<sup>nd</sup> March 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 submitted materials schedule 871-MS-01 received 2<sup>nd</sup> May 2023.</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>Landscaping</b></p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme (871/ARB/01 P01 received 2<sup>nd</sup> May 2023) 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: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
5.	<p><b>Construction Method Statement</b></p> <p>The development shall be carried out in accordance with the submitted Construction Method Statement and Plan received 2<sup>nd</sup> May 2023.</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>
6.	<p><b>Electric Vehicle Charging Points</b></p> <p>No dwelling shall be occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of electric vehicles.</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>
7.	<p><b>Parking</b></p> <p>No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space 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>

8.	<p><b>Cycle storage</b></p> <p>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.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. 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>Noise – mitigation measures</b></p> <p>No dwelling shall be first occupied until mitigation measures to protect its occupants from externally generated noise have been provided in accordance with the submitted Noise Impact Assessment Ref: 22-10111 received 2<sup>nd</sup> May 2023. The mitigation measures shall be retained and maintained thereafter in accordance with the approved scheme.</p> <p>Reason: To protect future occupiers of the development from excessive noise levels from the main road and other external sources, such as Halfords &amp; Burger King, to ensure a good standard of amenity. 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>
10.	<p><b>Obscure glazing</b></p> <p>The windows at ground floor and first floor level in the western side elevations of the building hereby approved shall be fitted with obscure glass before the dwellings hereby permitted are occupied. Any replacement windows shall be fitted with obscure glazing in accordance with the requirements of this condition thereafter.</p> <p>Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006).</p>
11.	<p><b>Tree Protection</b></p> <p>All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference Keen Consultancy drawing number 1480-KC-XX-YTREE-TPP01Rev0 dated July 2020. The protective fencing shall be implemented and retained intact for the duration of the development. Within the fenced area(s), there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.</p> <p>Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
12.	<p><b>Noise – Plant, Machinery and Equipment</b></p> <p>All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not exceed at any time a level of 5dB[A] below the existing background noise level [or 10dB[A] if there is a particular tonal quality [or is intermittent in nature] when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.</p> <p>Reason: To protect future residents of the site and the occupants of nearby residential properties from noise. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-</p>

	2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.
13.	<p><b>Air Quality</b></p> <p>No dwelling shall be occupied until the measures of the Air Quality Assessment 22-10111 dated February 2023 have been implemented in full. The mitigation measures shall be retained and maintained thereafter in accordance with the approved air quality scheme.</p> <p>Reason: To protect air quality in the area and safeguard public health. This condition is imposed in accordance with the National Planning Policy Framework, and policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

***Refusal Reason in the event the Section 106 is not completed.***

1.	<p><b>Refusal reason</b></p> <p>If the legal agreement or Unilateral Undertaking is not completed within 4 months, to <b>DELEGATE</b> to the Development Control Manager to <b>REFUSE PLANNING PERMISSION</b>, or to extend the period for completion if it is considered expedient to do so.</p> <p><b>S106 Planning Obligation Refusal Reasons</b></p> <p>The development fails to provide an appropriate scheme of affordable housing or off-site contribution to accommodate the impact of the development on local infrastructure or provide an appropriate mitigation measure such as a planning obligation.</p> <p>The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:</p> <p>(a) Affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.</p>
----	---

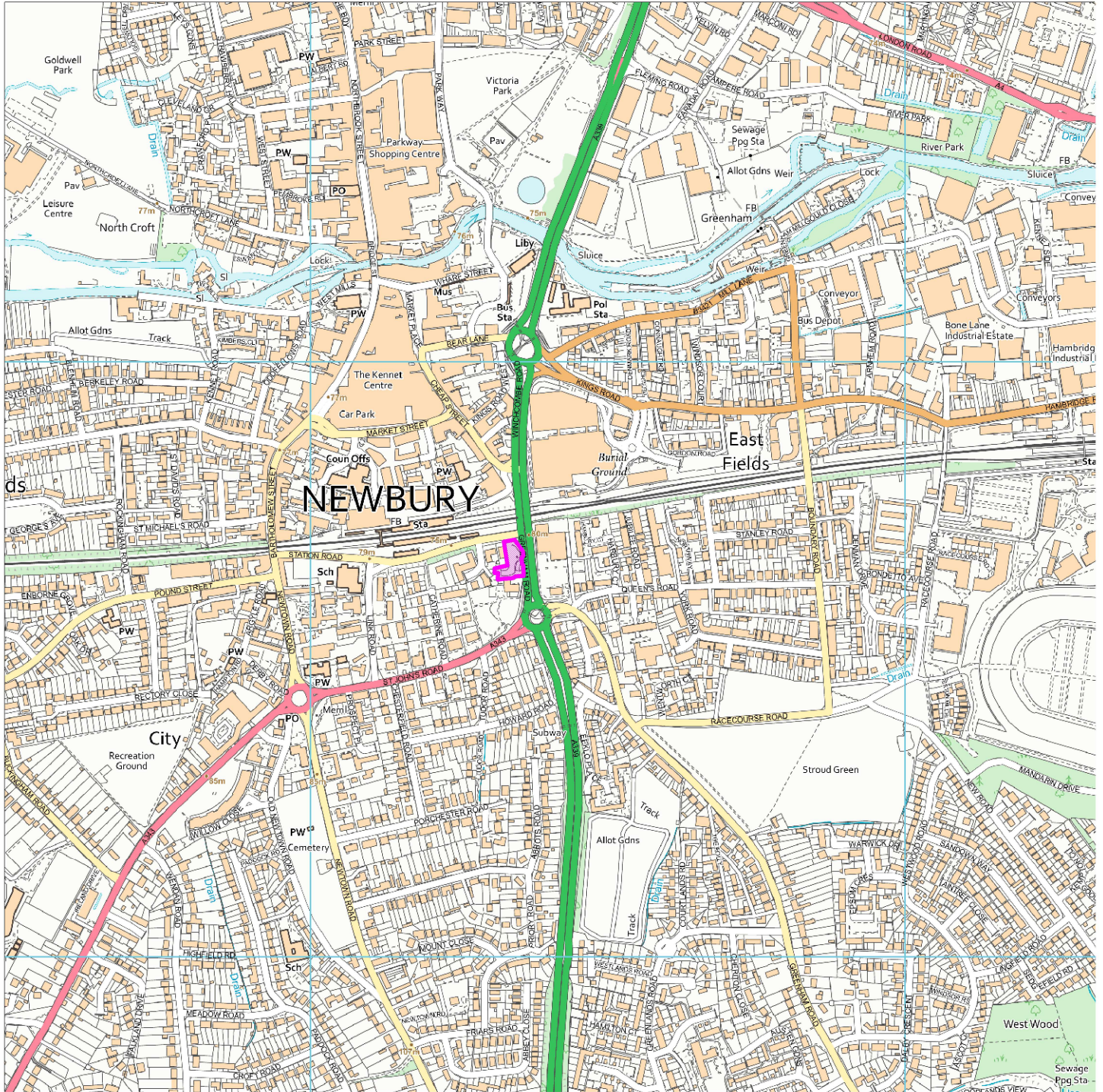
***Informatives***

1.	Proactive
2.	CIL
3.	<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>
4.	<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>
5.	<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 highwaysmaintenance@westberks.gov.uk</p>

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

This page is intentionally left blank





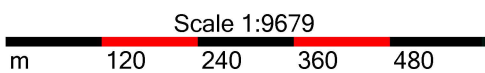
Map Centre Coordinates :

Scale : 1:9678

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

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



This page is intentionally left blank

# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	23/02802/FUL  Hermitage	14 February 2024 <sup>1</sup>	Change of use of land to provide up to 84 storage containers for self-storage use (B8) and erection of boundary fence (part retrospective)  Priors Court Farm, Priors Court Road, Hermitage, Thatcham.  Priors Court Containers.

<sup>1</sup> Extension of time agreed with applicant until 25 July 2024.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02802/FUL>

And

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S5AL8URD0NK00>

**Recommendation Summary:** To **DELEGATE** to the **Development Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions. (Section 8 of the report).

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

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

**Committee Site Visit:** 22nd July 2024

#### Contact Officer Details

**Name:** Masie Masiwa  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** [Masie.Masiwa@westberks.gov.uk](mailto:Masie.Masiwa@westberks.gov.uk)

## 1. Introduction

- 1.1 The application seeks part retrospective planning permission for the change of use of land to provide up to 84 storage containers for self-storage use (B8) and erection of boundary fence (part retrospective).
- 1.2 Each container would be 6 metres in length by 2.4 metres in width and 2.6 metres in height and would be dark green in colour. The containers would be served by the existing vehicular access off Old Street. No alterations are proposed to the access. The proposal also incorporates details of the retrospective fence above the front boundary wall. The fence extends the boundary height to approximately 2.5 metres.
- 1.3 The 84 containers will result in a total floor area of approximately 1,209 sqm of B8 use.
- 1.4 The development has been amended and now incorporates the part retrospective timber fence above the wall on the front boundary. The proposal also incorporates the amended landscaping to the eastern tree belt. The secondary access located to the southeast boundary adjacent to No 7 has been removed from the application area. To exclude the secondary access amended location and site plans have been submitted. For completeness a notice was served to the landowners during the consideration.
- 1.5 The container storage would operate as a self-storage facility with customers renting one or more units. Units are typically rented by customers who are between houses or who require household items to be stored with insufficient space at home or small businesses. The applicant states that the nature of the use means that customers do not frequently visit the site.
- 1.6 As part of the proposal customers would be able to visit the premises and load or unload their containers between the hours of 8am and 6.30pm Monday – Friday and 8am and 1pm on Saturdays. There would be no access on Sundays or bank holidays.
- 1.7 The entrance gates to the site have a pin code so that customers text a number when they arrive and they are given a code that will enable them to access the site. It is submitted that the facility will not operate outside of the stated opening hours.
- 1.8 The submitted and amended proposed landscape plan outlines additional native mixed hedge planting along the site frontage, eastern boundary and the northeast boundary of the site.

### ***Background***

- 1.9 The proposal is located to the eastern section of a larger site. The western part of the site benefits from planning permission under application 11/01089/FUL (Erection of warehouse premises together with (integral) ancillary offices and staff parking). The building was not constructed in accordance with the plans and a subsequent application 16/00117/COMIND (Retrospective - Construction of use class B8 warehouse, to include mezzanine storage, car and lorry parking, landscaping and other ancillary works.) was submitted and approved.
- 1.10 The site area to the east (the proposal site) benefited from temporary permission under application 02/02393/TEMP for change of use to storage of equipment and materials for contractor works. The site has been the subject of historical planning and enforcement processes and the planning history is listed within this report. An enforcement appeal was allowed by the Planning Inspectorate and granted planning permission for the whole

site area including the western section for the operation of a pallet business and for the storage of wooden pallets following an Enforcement appeal (PINS ref: T/APP/G0310/000008/P6).

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

- 1.11 The site is located along Old Street which is accessed from Priors Court Road just before Priors Court Road passes over the M4 towards Hermitage. The site is generally screened from the wider surrounding landscape by dense trees and understorey belts along the boundaries.
- 1.12 The site is located within the open countryside outside of defined settlement boundaries. It is located within the North Wessex Downs National Landscape. There are no Public Rights of Way within the vicinity of the application site with the closest being CHIE/48/2 and CHIE/52/1 to the south of the M4. No views have been identified for PROW (public rights of way) and the views into or across the site tend to be limited to Old Street
- 1.13 The application site's security gated access also serves the neighbouring warehouse building to the immediate west (approved under application reference: 16/00117/COMIND). To the north are a couple of low-key buildings used by a mechanic and a tyre fitter. To the east are a pair of semidetached bungalows (numbers 7 and 8 Priors Court Cottages) with the curtilage of number 7 occupying the majority of the site's eastern boundary. The eastern boundary is formed by a combination of close board fencing, adjacent outbuilding and security fencing and is more open in places with localised views across areas of scrub from nearby Old Street to the east.
- 1.14 Most of the remaining areas of the site are laid to tarmac and hardstanding with areas set aside for parking, shipping containers and other areas of storage around the industrial units.
- 1.15 The site is located within Flood Zone 1.

## **2. Planning History**

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

<b>Application</b>	<b>Proposal</b>	<b>Decision / Date</b>
19/02374/COMIND	Section 73a: Removal of Condition 7 (Fire) of previously approved application (16/02874/COMIND): Construction of use class B8 warehouse, to include mezzanine storage, car and lorry parking, landscaping and other ancillary works.	Approved/ 31 December 2019
16/02874/COMIND	Section 73 Variation of Condition 7 - Fire hydrant of planning permission 16/00117/COMIND Retrospective - Construction of use class B8 warehouse, to include mezzanine storage, car and lorry parking, landscaping and other ancillary works.	Approved/ 02 December 2016
16/00117/COMIND	Retrospective - Construction of use class B8 warehouse, to include mezzanine storage,	Approved/ 01 July 2016

	car and lorry parking, landscaping and other ancillary works.	
11/01089/FUL	Erection of warehouse premises together with (integral) ancillary offices and staff parking.	Approved/ 01 July 2016
16/00068/SCOPE	EIA scoping opinion request	Not required / 19 January 2016
07/02213/OUT	Construction of workshop for servicing and repair of applicant's own vehicles only	Refused / 30 November 2007
07/01664/FUL	Change of use of land and buildings to storage of coaches with ancillary offices	Refused / 02 November 2007
06/00911/FUL	B8 Haulage Company - vehicle movement and overnight parking.	Refused / 26 August 2006
02/02393/TEMP	Change of use to storage of equipment and materials for contractor works	Approved/11 February 2003

### 3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10 (b) (Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The development can be considered as an urban development at Column 10 (b) (Infrastructure projects). Given the nature and scale of this development, the development does not exceed the thresholds under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment). As such, EIA screening is not required.
- 3.2 A site notice was displayed on 02 January 2024 and the deadline for representations expired on 23 January 2024.
- 3.3 The development has been amended and now incorporates the wall and details of the retrospective fence above erected to the front boundary, includes amended landscaping to the eastern tree belt boundary and only includes a single gate-controlled access point and excludes the secondary access located to the southeast adjacent to No 7 from the application area. To exclude the secondary access an amended location plan and site plan were submitted. For completeness a notice was served to additional landowners during the consideration. The description was also amended to add the retrospective fence above the front boundary wall to the current application.
- 3.4 The main amendment plans, and additional supporting information packages were received in March and April 2024 in response to officer-level feedback. According to the Planning Practice Guidance, where an application has been amended it is up to the Local Planning Authority to decide whether further publicity and consultation is necessary, considering several considerations including objections, and the significance

of the changes. These amendments have been to address specific technical concerns raised by consultees and the case officer, the amendments have been made publicly available via the Councils planning website. Given that these amendments have been in response to technical issues and did not significantly alter the originally proposed scheme, it has not been necessary for amended plans site notices to be displayed.

- 3.5 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required because of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development.
- 3.6 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.

<b>Chieveley Parish Council</b>	No objections, subject to landscaping being improved
<b>WBC Highways</b>	No objection
<b>WBC Local Lead Flood Authority</b>	No objection
<b>WBC Ecology</b>	No comments received.
<b>WBC Trees</b>	No objection subject to condition
<b>WBC Archaeology</b>	No objection
<b>WBC Environmental Health</b>	No objection
<b>National Highways</b>	No objection
<b>North Wessex Downs National Landscape</b>	No response within the 21-day consultation period.

##### ***Public representations***

- 4.2 Representations have been received from 15 objectors (some with repeat submissions).

- 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:

*Objection comments:*

- existing use as 'operation of a pallet business and for the storage of wooden pallets' is contested.
- the specific land for this planning application is subject to a landscaping scheme under 02/02393/TEMP which is not maintained.
- the site has seen a removal of trees
- significant increase on vehicle movements on what is currently a very quiet road.
- the fence screens views of the open countryside
- the fence is out of place in the street scene
- site users are currently already breaching planning conditions by allowing unauthorized activities
- condition 6 of appeal decision /APP/C/88/GO310/000008/P6 specifically referenced that no pallets shall be stored within 25m of the boundary of the site with No 7 Priors Court Cottages.
- the storage containers breach condition 6.
- roads inadequate for increased traffic
- unauthorised fence along the highway
- impact on North Wessex Down National Landscape
- commercial activity and noise will harm amenity
- commercial development lacks provisions for facilities
- concerns about increased flooding.
- activities occurring on a Sunday
- amended plans fail to address all material considerations detailed within correspondences
- there is evidence to prove that this access is currently already being used by the applicant.

## **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, CS5, CS9, CS10, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS1, OVS.5, OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Transport Plan for West Berkshire 2011-2026
- Manual for Streets
- North Wessex Downs Management Plan 2019-2024
- WBC Quality Design Supplementary Planning Document (SPD)



- WBC Planning Obligations Supplementary Planning Document (SPD)
- WBC Cycle and Motorcycle Advice and Standards for New Development
- West Berkshire Landscape Character Assessment (2019)
- North Wessex Downs Integrated Landscape Character Assessment (2002)
- West Berkshire Local Plan Review 2022-2039 Proposed Submission (Regulation 19)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance of the area
- Neighbouring Amenity
- Highways Matters
- Flood risk and Sustainable Drainage
- Biodiversity and Trees
- Sustainable construction
- Other Matters
- Planning Balance and Conclusion

### *Principle of development*

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

6.3 The representations received with the application have been considered fully and the material considerations have been discussed with consultees as outlined below.

6.4 There is disagreement between members of the public and the applicant regarding the existing use of the site. Officers acknowledge that the site has a very contentious history which is accompanied by planning enforcement referrals and investigations and the issuance of enforcement notices in some of the cases. An enforcement appeal was allowed by the Planning Inspectorate and planning permission granted for the whole site area including the western and eastern sections for the operation of a pallet business and for the storage of wooden pallets following an Enforcement appeal (PINS ref: T/APP/G0310/000008/P6). It is noted that the Inspector's decision stated that no pallets shall be stored within 25m of the eastern boundary of the site with No. 7 Priors Court Cottages. This 25m buffer dissects the current proposal site area.

6.5 It is also noted that permission granted in the above appeal was superseded by the granting of planning permission 16/00117/COMIND (Retrospective - Construction of use class B8 warehouse, to include mezzanine storage, car and lorry parking, landscaping and other ancillary works), (in so far as the land upon which the building was erected). Finally, National and Local Policy has significantly changed since 1988, as such the current application can only be considered with reference to the current development plan and based on individual planning merits.

6.6 Members are advised that irrespective of the previous unauthorised developments and the proposed development itself being retrospective, the planning application must be considered on its own individual planning merits and in terms of its compliance with the

relevant development plan policies and material considerations at the time of consideration. Whilst there are overlapping applications and permissions including conditions these will be overridden if members approve the application.

- 6.7 The application site is located outside of any defined settlement boundary within the district and it therefore regarded as 'open countryside' under Core Strategy Policy ADPP1. The policy states that only appropriate limited development in the countryside will be allowed focused on addressing identified needs and maintaining a strong rural economy.
- 6.8 Policy CS9 talks about the appropriate location of business development in the district. its states that proposals for industry, distribution and storage uses will be directed to the district's defined Protected Employment Areas, and existing suitably located employment sites and premises.
- 6.9 Any proposals for such uses outside these areas/locations will be assessed by the Council against the following:
- compatibility with uses in the area surrounding the proposals and potential impacts on those uses; and
  - capacity and impact on the road network and access by sustainable modes of transport.
- 6.10 Policy ADPP1 of the Core Strategy requires proposals in open countryside to be focussed on addressing identified needs and maintaining a strong rural economy. Considered in these terms Policy CS9 of the Core Strategy promotes the provision of B8 sites which this application would contribute to addressing. Policy CS9 directs proposals for storage uses to within the district's existing Protected Employment Areas (PEA). Whilst this site is located outside of the boundary of the nearest PEA, it is adjacent to areas of land that have planning permission for B8 uses or other business uses, and as such, given the circumstances of the site, on balance the principle of change of use of this land to B8 is accepted.
- 6.11 Whilst the development itself is for storage it is for storage for householders or small business. It is considered that the application for householders or small business is compatible with the area surroundings. Furthermore, Highways Officers raise no objections to the application and as such it is considered the impact on the road network would not be harmful
- 6.12 Policy CS10 notes that existing small and medium sized enterprises within the rural areas will be supported to provide local job opportunities and maintain the vitality of smaller rural settlements.
- 6.13 The supporting text notes that many rural areas host many small and medium sized enterprises which are vital to providing local job opportunities and a diverse economy. There is a continued need to protect and support the development of start-up businesses and adequate provision should be made for them throughout the district. National policy supports sustainable economic growth in rural areas.
- 6.14 The number of containers is high and this has been considered by Officers. Given the likely householders and small enterprises using the storage facility, it is considered that the number of containers would be in keeping with the use and size of the site. The number of visitors and frequency is considered unlikely to be very high given the size of the containers. Therefore, the intensification of the use of the site is relatively limited.

6.15 Overall, there is no extension into the countryside. The use is considered compatible with the existing nature of the site, not considered to give rise to highways issues. The development is in principle supported by policies ADPP1, CS9 and CS10.

### ***Character and appearance of the area.***

#### *Functional Design*

6.16 According to Core Strategy Policy CS14, good design relates not only to the appearance of a development, but the way in which it functions. According to the NPPF, planning decisions should ensure that developments (amongst others):

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.17 Part 1 of the Quality Design SPD provides key urban design principles to ensure that a development functions well in line with the development plan and consistent with the NPPF. The application site is contained within the existing yard area.

6.18 Each container would be 6 metres in length by 2.4 metres in width and 2.6 metres in height and would be dark green in colour. The containers would be served by the existing vehicular access off Old Street. No alterations are proposed to the access. The proposal also incorporates details of the retrospective fence above the front boundary wall. The timber fence will extend the boundary height to approximately 2.5 metres. The containers to be retained are utilitarian in design and have a relatively low profile being single storey. The containers are not readily visible from public viewpoints. The change of use is not considered to be a further incursion into the countryside or to have an unduly adverse impact on the character of the area.

6.19 A Landscape and Visual Appraisal is submitted as part of the application. Whilst the North Wessex Down Board were consulted, unfortunately no comments were received. However, the case officer has also reviewed the comments from the North Wessex Down Board under approved application 16/00117/COMIND, where the North Wessex Down Board acknowledged that the site had been eroded by several developments, however landscape enhancements were recommended. Officers have taken the same approach and the applicant has submitted amended plans that offer additional planting along the street scene, eastern and northeastern boundaries. Officers also consider that a condition restricting any lighting would be necessary to ensure that any proposed lighting can be considered to conserve the North Wessex Down dark night skies.

6.20 The Landscape and Visual Appraisal assesses views towards the site confirming that all existing boundary planting will be retained to preserve the relatively high degree of screening into the site and minimise the character and visual effects on the local rural landscape. New planting is proposed along the site's frontage as well as along the northeastern and eastern parts of the site boundary that would provide additional screening to both the proposed containers and the neighbouring warehouse building.

The views of the containers would be limited to immediate views of the area and from glimpses from Old Street. Additional planting is proposed which will add to the screening. From long views the containers would be viewed with the existing B8 warehouse backdrop, as such it is considered that any impact on the North Wessex Down National Landscape would be limited. The containers would be shielded from wider views by the adjacent trees and this planting will also be enhanced with additional planting.

- 6.21 The development is not considered to have a detrimental impact on the character and appearance of the area nor on the North Wessex Down National Landscape. The development complies with policy ADPP5, CS14 and CS19 of the Core Strategy. Due to the distance and intervening vegetation providing screening, it is unlikely that the proposals on the site will impact the wider landscape setting in the vicinity of the application site.

### ***Neighbouring Amenity***

- 6.22 According to the NPPF, planning decisions should ensure that developments create places with a high standard of amenity for existing and future occupiers.
- 6.23 According to Core Strategy Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. As such, the impacts on neighbouring living conditions in terms of any loss of light, loss of privacy, loss of outlook, any overbearing impacts, or any significant noise and disturbance, are material considerations.
- 6.24 The application site immediately adjoins the western boundary of the residential property of 7 Priors Court Cottages. Representations from members of the public highlight concerns regarding loss of amenity and impact on highway.
- 6.25 Officers consider that the proposed development would have limited impact on neighbouring amenity. The proposed containers would provide a self-storage facility and would be accessed by secure gates that require a uniquely generated code to open the gates on each visit. It is submitted that customers of the containers would only be able to access their self-storage between 8am and 6.30pm Monday to Friday and 8am to 1pm Saturdays, with no access permitted on Sundays and bank holidays. The applicant submits that the facility will not operate outside of the stated opening hours. Following a request for additional information the applicant confirmed that customers have a number to call upon arrival at the application site and they will be sent text with a unique code allowing them to gain entry via a PIN pad. Outside of the operating hours an access code will not be supplied.
- 6.26 There will be no machinery operating on the site and the only noise generated by the site would be the arrival and departure of cars / LGVs during the proposed day time operating hours. As discussed in the site history, the site has various planning permissions including use for pallet storage which would generate more noise through forklifts or other similar machinery together with the use of the site by HGVs delivery and collecting pallets.
- 6.27 The Environmental Health Officer has been consulted and they have raised no objections.
- 6.28 The Environmental Health Officer has concluded that there would be no significant adverse noise impacts resulting from the proposed use. The Environmental Health Officer also acknowledged that the comments were made in relation to the current proposals as submitted and therefore supersede the previous requirement for a 25m

buffer which was required in relation to the far more intrusive and uncontrolled pallet storage use.

- 6.29 In addition to responding to a consultation request, the Environmental Health Officer has highlighted that there had been a complaint that was received from a local resident to Environmental Health Officer and Planning enforcement and this had likely resulted in the submission of a planning application. The Environmental Health Officer recommended that a condition could be attached to any planning permission to restrict the hours of operation of the container self-storage to the hours set out in this report.
- 6.30 It is not considered that there would be any intensification of the use of the site from the development. The proposed development is located away from neighbouring dwellings and will not present any overshadowing or overbearing impact on neighbouring amenity.
- 6.31 Regarding air quality, the Environmental Health Officer has stated that the proposed 84 storage units are expected to generate around 12 vehicle movements a day and this will have an insignificant impact on local traffic and local air quality
- 6.32 The development is not considered to have an adverse impact on neighbouring amenity. The proposed development is in accordance with Policy CS14 regarding preserving neighbouring residential amenity.

### ***Highways Matters***

- 6.33 According to Core Strategy Policy CS13, development that generates a transport impact will be required to (amongst others): reduce the need to travel; improve and promote opportunities for healthy and safe travel; and demonstrate good access to key services and facilities.
- 6.34 The Highway Officer has been consulted and they have confirmed that the submitted Highway Technical Note confirms that the existing site access that would serve the proposals has visibility splays in accordance with the recorded 85th percentile of traffic on the adjacent highway network. The Technical Note has reviewed various similar sites to provide a projection of likely traffic generation, estimating that each container would generate 0.7 trips per day. A total of 84 containers would therefore generate a total of 6 vehicles per day equating to 12 traffic movements per day. The Highway Officer indicated that the likely increase in traffic is therefore concluded to have no material impact on the highway network and as such is considered acceptable.
- 6.35 No formal car parking is proposed as it is anticipated that vehicles will drive up to their allocate unit, load or unload and depart.
- 6.36 The development would be accessed from one single access which is the main controlled access off Old Street. The Highways Officer has stated that the applicant has reviewed the latest 5-year accident data within the vicinity of the site. It showed only one accident occurred just west of the Old Street junction with Priors Court Road. The applicant has demonstrated on the submitted plans that visibility splays, in line with Manual for Streets, of 2.4 x 42m to the east and 2.4m x 40m to the west can be achieved at the existing site access. On this basis the accident analysis is considered acceptable and it is considered that the proposals would not impact highway safety.
- 6.37 For the above reasons, considering any cumulative impacts, the proposal would not have an adverse impact on highway safety and the free flow of traffic within the local highways infrastructure, and would provide satisfactory cycle and car provision to meet

the needs of future occupiers in accordance with the provisions of Policy CS13, and the National Planning Policy Framework.

### ***Flood risk and Sustainable Drainage***

- 6.38 Core Strategy Policy CS16 also requires that all developments incorporate sustainable drainage techniques. The Planning Practice Guidance supports this position for major developments.
- 6.39 The site is located in Flood Zone 1 (lowest risk of flooding) according to Environment Agency Flood Mapping. The Lead Local Flood Authority have carefully considered the proposal and raised no objections.
- 6.40 For these reasons, the proposal would not have an adverse impact on flooding within the site or locality in accordance with the provisions of Core Strategy Policy CS16 and the National Planning Policy Framework.

### ***Biodiversity and Trees***

- 6.41 According to Core Strategy Policy CS17, biodiversity assets across West Berkshire will be conserved and enhanced.
- 6.42 Policy CS18 outlines that the district's green infrastructure will be protected and enhanced, that developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Policy CS18 of the West Berkshire Core Strategy requires the retention of valued green infrastructure which contribute to the character of the landscape and the area.
- 6.43 Policy CS19 of the Core Strategy concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Particular regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.44 According to the NPPF, planning decision should contribute to and enhance the natural and local environment by (amongst others) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Similarly, Policy CS17 states that to conserve and enhance the environmental capacity of the district, all new development should maximise opportunities to achieve net gains in biodiversity.
- 6.45 The Council's Tree Officer has assessed the proposal and has raised no objection. The Tree Officer has stated that the soil within the site area already is compacted due to its current use and roots are unlikely to be found, however, to protect the locations where rooting has been possible the Tree Officer has recommended that a condition is attached requesting details of a tree protection scheme to ensure the trees present can remain without damage.
- 6.46 Due to the existing condition of the site, no biodiversity would be impacted. A lighting condition has been recommended and it is considered that the lighting details can be reviewed for biodiversity.
- 6.47 For these reasons, it is considered that retained trees would be adequately safeguarded from any potential adverse effects and additional planting would be in accordance with the provisions of policy CS18 and the National Planning Policy Framework.

## ***Sustainable construction***

- 6.48 According to Core Strategy Policy CS15, major development shall achieve minimum reductions in total carbon emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development if a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable.
- 6.49 The percentage reductions in carbon emissions should be based on the estimated carbon emissions of the development after the installation of energy efficiency measures related to either the Code for Sustainable Homes, BREEAM or equivalent method has been applied.'
- 6.50 The proposed use does not warrant a BREEAM rating as the containers will not be occupied for extended periods.
- 6.51 It is considered that the proposed development could comply with the principles of Core Strategy Policy CS15.

## ***Other Matters***

- 6.52 Representations received have been reviewed on a material consideration basis in this report. The letter from Howard Williamson also refers to the application proposals encouraging vermin, rat infestations and littering/refuse and that the lack of WC facilities are leading to issues with antisocial behaviour. Officers consider that customers will visit for very short periods of time and as such no toilet facilities are provided and in fact such facilities would arguably lead to littering.
- 6.53 A representation has queried the ownership of the application site and adjoining land. The application red line includes the site access onto the highway and as such Certificate of Ownership B is submitted as part of the application with notice served on the Highway Authority.
- 6.54 The third-party letters refer to various breaches of planning control on adjoining land. These breaches do not relate to the proposed container storage use and as such are not relevant to the determination of this application.

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

- 7.1 The application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The proposed development will protect and support the development of start-up businesses and ensure adequate provision is made for business. National policy supports sustainable economic growth in rural areas.
- 7.3 Additional planting is proposed which will add to the landscape screening. From long views the containers would be viewed with the existing B8 warehouse backdrop, as such it is considered that any impact on the North Wessex Down National Landscape would be limited. The development is not considered to have a detrimental impact on the character and appearance of the area nor on the North Wessex Down National Landscape.

- 7.4 The proposed development would not have an adverse impact on neighbouring amenity or Ecology and Trees in the immediate area. The development is therefore considered to be in accordance with Policies ADPP1, ADPP5, CS9, CS10, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy (2006-2026).
- 7.5 Having taken account of all the relevant planning policy considerations and other material considerations set out above, it is considered that the proposed development complies with the development plan when considered as a whole and is therefore recommended to members for approval.

## 8. Full Recommendation

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

### *Planning Conditions*

1.	<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>• Highway Technical Note received on 02 December 2023.</li> <li>• Landscape and visual impact assessment received on 19 December 2023.</li> <li>• Planning Statement received on 20 December 2023.</li> <li>• Applicant response to comments received on 24 January 2024.</li> <li>• Amended Location Plan and Proposed Site Plan received on 29 February 2024.</li> <li>• Amended Landscape Plan received on 23 April 2024.</li> <li>• Amended Block Plan, Wall and Fence Plan and Elevations received on 23 April 2024.</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p><b>Use restriction</b></p> <p>The premises shall be used for self-storage and distribution B8 and for no other purpose (including any purpose in Class B8 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>Reason: It is considered necessary to restrict the use of the Class B8 to Storage and distribution only. This use would be considered compatibly with the site and the surrounding uses. This condition is applied in accordance with the National Planning Policy Framework and ADPP1, CS9, CS10 of the West Berkshire Core Strategy 2006-2026</p>

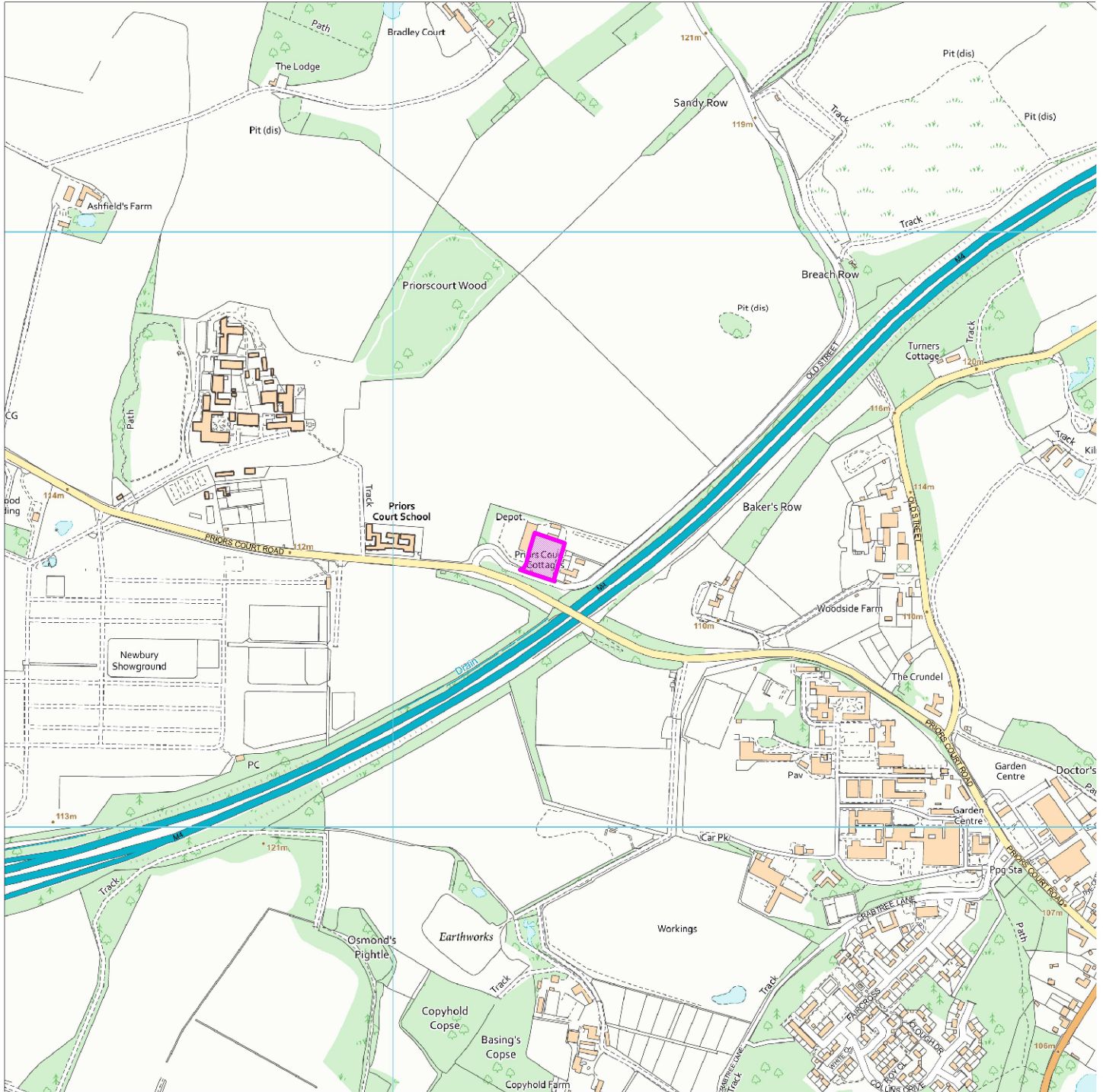


3	<p><b>Restriction on external storage</b></p> <p>No materials, goods, plant, machinery, equipment, waste containers or other items shall be stored, processed, repaired, operated or displayed in the open land on the site.</p> <p>Reason: To ensure that no items are stored outside of the use that may intensify the use of the site and impact on 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).</p>
4	<p><b>Tree protection scheme</b></p> <p>Within 2 months of the date of planning permission being granted or before any further development takes place, details of a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Such a scheme shall include:</p> <ul style="list-style-type: none"> <li>• a plan showing the location and type of the protective fencing.</li> <li>• All such fencing shall be erected prior to any further development works.</li> <li>• At least 2 working days' notice shall be given to the Local Planning Authority that it has been erected.</li> <li>• It shall be maintained and retained for the full duration of any works or until such time as agreed in writing with the Local Planning Authority.</li> <li>• No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</li> </ul> <p>Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter 6 and detailed in figure 2.</p> <p>Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard.</p> <p>Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features in accordance with the NPPF and Policies ADPP1, (ADPP5 if within NWDAONB), CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006- 2026.</p>
5	<p><b>Operating hours (use/activity)</b></p> <p>The self-storage and distribution B8 shall not take place outside of the following hours:</p> <p>Mondays to Fridays: 08:00am to 18:30pm  Saturdays: 08:00am to 13:00pm  no access on Sundays or 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>

6	<p><b>Lighting strategy</b></p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</li> <li>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.</li> <li>(c) Include isolux contour diagram(s) of the proposed lighting.</li> <li>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</li> </ul> <p>No external lighting shall be installed except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of community biodiversity assets and to conserve the dark night skies of the North Wessex Downs National Landscape. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
---	--

***Informatives***

1.	<p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is a development which improves the economic, social and environmental conditions of the area.</p>
----	--

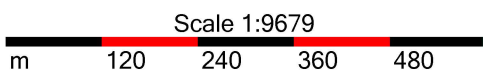


Map Centre Coordinates :

Scale : 1:9678

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .



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

This page is intentionally left blank