

Notice of Meeting



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Western Area Planning Committee Wednesday, 21st August, 2024 at 6.30 pm in the Council Chamber Council Offices Market Street Newbury

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

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on 20 August 2024 by emailing planningcommittee@westberks.gov.uk.

Members Interests

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

Date of despatch of Agenda: Tuesday, 13 August 2024

Further information for members of the public

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

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

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



Agenda - Western Area Planning Committee to be held on Wednesday, 21 August 2024
(continued)

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



Agenda - Western Area Planning Committee to be held on Wednesday, 21 August 2024
(continued)

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

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

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 7 - 24
To approve as a correct record the Minutes of the meetings of this Committee held on 16 July 2024.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
- (1) **23/02520/NONMAT Newbury Town Council & 23/02544/FUL - S73A** 25 - 48
Newbury Town Council
Proposal: 23/02520/NONMAT - Application for a Non-Material Amendment Following a Grant of Planning Permission 22/02310/FUL - Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage. Amendments: External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.
- 23/02544/FUL - S73A - Application for Variation of Condition 2 following Grant of Planning Permission 22/02310/FUL - Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.



Agenda - Western Area Planning Committee to be held on Wednesday, 21 August 2024
(continued)

Location: Newspaper House
Applicant: Cinch Self Storage
Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

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

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

WESTERN AREA PLANNING COMMITTEE**MINUTES OF THE MEETING HELD ON
TUESDAY, 16 JULY 2024**

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

Also Present: Sharon Armour, Paul Bacchus, Michael Butler, Stephen Chard, Sam Chiverton, Bob Dray, Paul Goddard, Catherine Ireland, Gemma Kirk, Annabel Munro, Simon Till

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

PART I**1. Declarations of Interest**

Councillor Carolyne Culver declared an interest in Agenda Item 3(2), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Nigel Foot, Tony Vickers, Billy Drummond and Phill Barnett declared an interest in Agenda Item 3(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

2. Schedule of Planning Applications**(1) 24/00908/FUL 6 Northcroft Lane, Newbury**

1. The Committee considered a report (Agenda Item 3(1)) concerning Planning Application 24/00908/FUL - 6 Northcroft Lane, Newbury - in respect of a proposal to utilise the building as a SEND School.
2. Gemma Kirk 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 listed in the report.
3. The Chairman asked Paul Goddard if he had any observations relating to the application, he noted the following:
 - Highway Officers had assessed this proposal on the basis of the existing uses for the site and considered that the traffic and parking impact from the site was significantly reduced.
4. Due to a misunderstanding on the requirement to register to speak at Committee, Councillor Andy Moore, Town Council Representative, was not registered to speak for this item. Members resolved to suspend Standing Orders in order to allow Councillor

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Moore to speak and to reinstate Standing Orders after he had made his representation and answered Members' questions.

5. In accordance with the Council's Constitution, Andy Moore, Town Council representative, Adrian and Helen Gadd, supporters and Gareth Jones, agent, addressed the Committee on this application.

Town Council Representation

6. Councillor Moore addressed the Committee – his representation can be viewed here: [Special Western Area Planning Committee - Tuesday 16h July 2024](#) (22:05)

Member Questions to the Town Council

7. Members asked a question of clarification and were given the following response:
 - They were attempting to encourage extra measures to ensure that the double yellow lines were enforced.

(Standing Orders were reinstated.)

Supporter Representations

8. Despite joining the meeting remotely, Mr and Mrs Gadd were unable to deliver their representation due to technical issues.

Member Questions to the supporters

9. Members were unable to ask questions of clarification of the supporters.

Applicant/Agent Representation

10. Mr Jones addressed the Committee – his representation can be viewed here: [Special Western Area Planning Committee - Tuesday 16h July 2024](#) (29:00)

Member Questions to the Applicant/Agent

11. Members asked a number of questions of clarification and were given the following responses:
 - The allocated parking was for pick up and drop off by the school minibus.
 - The Flood Risk Assessment detailed several mitigation measures that were to be put in place, the flood evacuation plan also produced further measures to ensure safety.
 - The number of students proposed was 15 and the application was limited to such by the conditions.
 - The applicant's consultants utilised the flood data that was available to them.
 - They were completely content that all parking was exclusively for pick up and drop off.

Member Questions to Officers

12. Members asked questions of clarification and were given the following responses:
 - Paul Goddard advised the nursery use of the site was an existing one which could resume at any given time. The previous use as a nursery would have had four times the number of parents collecting and leaving their children than the proposed usage.
 - Paul Goddard noted that ten of the children would be brought to and from the school by minibus which would park on the road to the side of the building for two short periods during the day. The other five children that were to be picked up and dropped off by their parents were able to park across the road in a small, existing, car park.
 - Paul Goddard suggested that concerned residents would be best advised to contact the Council's parking team.
 - Paul Goddard clarified they were content with proposal because of the previous use.

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- Simon Till shared that under the Town and Country Planning Act 1990 the previous use of the site had become established as it had been operating in an unauthorised fashion for ten or more years
- Paul Goddard advised that it would not be possible to place a condition on signage being put up as the entrance to Bolton Place was outside of the planning application site.
- Paul Bacchus advised that everything mentioned in the flood risk assessment, if taken as the truth, was deemed as acceptable.
- It was advised by Paul Bacchus that the evidence of recent flooding was not considered by either the applicants' representatives or the reviewer who was not local and relied on Environment Agency (EA) information which had not yet been updated as a result of the fact that reporting on the recent flooding had not yet been carried out.
- Paul Bacchus advised that the adequacy of the flood evacuation plans could not be accurately assessed until the raw data that related to recent flooding had been provided. He suggested the flood zone modelling was not likely to be completely accurate however, the change of use would not increase the vulnerability of the site as both the existing and proposed usage were in the more vulnerable categorisation.
- Paul Bacchus advised that there was not an awareness of whether there had been an increase in flood depths outside the property and it would be unreasonable to expect the applicant to produce such information. However, he did not foresee a considerable difference in comparison to the flood evacuation plan.
- Paul Bacchus does not consider they could have done anything more than that produced, and that it was unlikely any updated flooding information would change the view on the flooding matters.
- Paul Bacchus did not consider they could have taken any further measures, and felt it was unlikely any updated flooding information would have led to a change in the acceptability of the site from a flooding perspective.
- Paul Bacchus noted that the EA were to be involved in reviewing the section 19 reports and would advise them to update their information as soon as was possible but was unsure when this would be completed. He noted that section 19 reports could be used for future FRAs and drainage strategies.

Debate

13. Councillor Nigel Foot advised that he believed the flood zone map included was accurate and the route presented in the plan would be safe as there had been no history of flooding on it.
14. Councillor Howard Woollaston expressed support noting that increased SEND provisions were desperately needed.
15. Councillor Tony Vickers reiterated the need to be vigilant on unauthorised changes of use before they become regularised, but expressed support for the application and the contribution it would provide to addressing the requirement for increased SEND provision.
16. Councillor Billy Drummond highlighted the need to increase SEND provision and expressed his support for the motion.
17. Councillor Dennis Benneyworth expressed support for the Motion but advised that he would like to see parking enforcement observed rigorously to ensure residents were not inconvenienced.

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18. Councillor Carolyne Culver supported the application noting there would be less children there now than previously. She expressed concern over the failure to notice omissions in the FRA and the evacuation plan. Councillor Culver proposed an amendment to the travel plan to state that the existing parking area should **only** be used for pick up and drop off.
19. Councillor Barnett proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with the verbal amendment to add cycle stores within three months and include the word 'only' in the appropriate place within the travel plan. This was seconded by Councillor Vickers.
20. The Chairman invited Members of the Committee to vote on the proposal by Councillor Barnett, 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 conditions listed in the main report and the update report with the amendment to add cycle stores within three months and include the word 'only' in the appropriate place within the travel plan condition.

(2) 24/00571/FUL Mallards Haven, Frilsham

21. The Committee considered a report (Agenda Item 3(2)) concerning Planning Application 24/00571/FUL - Mallards Haven, Frilsham – in respect of a retrospective application for the partial retention of the former bungalow for use as an outbuilding, in association with dwelling approved under Application No. 18/00409/FULD. External alterations and hard landscaping.
22. Catherine Ireland 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 listed in the report.
23. In accordance with the Council's Constitution, Christine Dunn, objector, Mark Pettitt and Oonagh Clark, applicant/agent, addressed the Committee on this application.

Objector Representation

24. Christine Dunn addressed the Committee – her representation can be viewed here: [Special Western Area Planning Committee - Tuesday 16h July 2024](#) (1:16:09)

Member Questions to the Objector

25. Members did not have any questions of clarification.

Applicant/Agent Representation

26. Mark Pettitt and Oonagh Clark addressed the Committee – their representation can be viewed here: [Special Western Area Planning Committee - Tuesday 16h July 2024](#) (1:21:14)

Member Questions to the Applicant/Agent

27. Members asked questions of clarification and were given the following response:
- The toilet contained within the property was in the preexisting building and there was no concern with regards to foul waste.

Ward Member Representation

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28. Councillor Carolyn Culver addressed the Committee – her representation can be viewed here:

[Special Western Area Planning Committee - Tuesday 16h July 2024 \(1:27:11\)](#)

Member Questions to the Ward Member

29. Members did not have any questions of clarification.

Member Questions to Officers

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

- Catherine Ireland advised that a condition on landscaping that required the replacement of any planting that was lost or died within five years could be incorporated however, doing so in perpetuity could have been deemed unreasonable.
- Simon Till suggested that a condition which required the applicant to submit a landscaping proposal within three months of the date of approval could be considered reasonable. He reminded Members that they had recently discussed requiring retention of landscaping with replacement within ten years of the date of approval.
- Simon Till highlighted condition 5 noting that there was a requirement within that condition relating to timed operation of lighting.

Debate

31. Councillor Paul Dick opened the debate by expressing his concern with regards to conditions on applications not being enforced, but advised he was supportive of the application based on its merits.
32. Councillor Tony Vickers noted that the national landscape was the result of the carefully managed development of the area over a period of hundreds of years, he advised that he could not see any harm in the property as was proposed.
33. Councillor Vickers 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 who proposed an additional condition requiring the provision of a scheme of landscaping and vegetation be submitted within three months of the date of the decision with replacement as appropriate for a period of ten years.
34. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Woolaston to grant planning permission. At the vote the motion was carried.

RESOLVED that: The Development Manager be authorised to grant planning permission subject to conditions listed in the main report with an additional condition requiring provision of a scheme of landscaping and vegetation be submitted within three months of the date of the decision with replacement as appropriate for a period of ten years.

(3) 24/00767/HOUSE The Old Rickyard, Inkpen

35. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 24/00767/HOUSE - The Old Rickyard, Inkpen – in respect of the formation of a swimming pool.
36. Michael Butler 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 listed in the report. Simon Till clarified that the recommendation was to delegate officers to approve, as per officers'

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recommendation, as varied by the update sheet and subject to the outcome of discussions to secure an acceptable scheme of drainage with any necessary conditions. Or to refuse the application if a scheme of drainage had not been agreed within 3 months or such other timescale as agreed in writing by the Development Manager in consultation with the Chairman of the committee.

37. In accordance with the Council's Constitution, Mark Pettitt, agent, addressed the Committee on this application.

Agent Representation

38. Mr Pettitt addressed the Committee – his representation can be viewed here:

[Special Western Area Planning Committee - Tuesday 16h July 2024](#) (1:52:15)

Member Questions to the Agent

39. Members asked questions of clarification and were give the following responses:

- A fresh application would be submitted at a later stage for a pool building to be built to store the equipment.
- A scheme relating to external lighting would, in principle, be acceptable to the applicant.
- An error was made in submitting the application as floor plans and elevations for the pool building were not submitted as part of the original application.

Ward Member Representation

40. Councillor Vickers addressed the Committee – his representation can be viewed here:

[Special Western Area Planning Committee - Tuesday 16h July 2024](#) (2:08:36)

Member Questions to the Ward Member

41. Members did not have any questions of clarification.

Member Questions to Officers

42. Members asked questions of clarification and were give the following responses:

- Simon Till advised that the period to submit additional information had expired by the time the lack of documentation relating to the pool building had become apparent to Officers. Because of this, the applicant was advised to withdraw this portion of the application and reapply for permission to construct the pool building in a separate application at a later date.
- Simon Till advised that conditioning an application that would be approved today on the outcome of a future application would, in his view, be considered unreasonable.
- Michael Butler advised that an additional condition relating to external lighting would be totally legitimate due to the sensitivity of the area.

Debate

43. Councillor Tony Vickers opened the debate by expressing his desire to have an additional condition in relation to restricted use of external lighting.

44. Councillor Paul Dick further supported the motion.

45. Councillor Carlyne Culver advised there were three other pools in the area and therefore the precedent had been set previously allowing for such building works.

46. Councillor Howard Woollaston proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report with an additional condition requiring the submission and approval of a scheme for all external lighting for the pool area prior to the pool being taken into use

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with no other external lighting to be erected except in accordance with the scheme. This was seconded by Councillor Antony Amirtharaj.

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

RESOLVED that The Development Manager grant planning permission subject to the conditions listed in the main report and update report with an additional condition requiring the submission and approval of a scheme for all external lighting for the pool area prior to the pool being taken into use with no other external lighting to be erected except in accordance with the scheme.

(The meeting commenced at 9.00 am and closed at 11.50 am)

CHAIRMAN

Date of Signature

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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 16 JULY 2024

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

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

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

PART I

1. Declarations of Interest

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

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

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

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

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

2. Schedule of Planning Applications

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

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

Parish/Town Council Representation

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

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

Member Questions to the Parish/Town Council

5. Members did not have any questions of clarification.

Applicant/Agent Representation

6. Mr Pettit addressed the Committee. The full representation can be viewed here:

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

Member Questions to the Applicant/Agent

7. Members asked a number of questions of clarification and were given the following responses:
 - This had been a separate planning application from the main house due to the growing concern and need for the extra land, and would reduce journeys from the main estate. The quality of the brood mares had increased and necessitated an on-site presence
 - The safety and welfare of the horses until the completion of the house would be maintained by frequent journeys from the main estate to the horses.
 - Security was provided through CCTV on the main estate, but an on-site presence would be more effective, as well as the completion of the North Lodge.
 - Offsite accommodation had not been considered as the accommodation needed to be within sight and sound of the brood mares, the location of the accommodation had been chosen to satisfy that criteria.
 - The accommodation would be used by an existing member of staff.

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Ward Member Representations

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

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

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

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

Member Questions to the Ward Members

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

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

Member Questions to Officers

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

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

Debate

12. Councillor Howard Woollaston opened the debate by highlighting that Members with equine knowledge were in support of the application. He indicated that he was supportive of the application.
13. Councillor Antony Amirtharaj agreed that West Berkshire had a proud heritage related to the equine and horse racing sector, and benefited from the associated employment. He noted that previous applications had recommended accommodation near to the animals. He indicated that he was minded to support the application.
14. Councillor Paul Dick noted that any relative weaknesses in the application had been explored, and he was satisfied by the evidence provided by the applicant and Councillor Benneyworth. He indicated that he was supportive of the application.
15. Councillor Tony Vickers had been reassured by Councillor Benneyworth. He suggested that a formal diversion order should be considered for the public right of way to minimise risks to the horses and members of the public.
16. Councillor Nigel Foot noted that the proposed dwelling looked like a gate house lodge for a stately home. He also highlighted the views of the applicant in relation to the welfare and value of the animals, and he noted the employment aspects of the proposal. He indicated that he was minded to support the application.
17. Councillor Antony Amirtharaj proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update

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report. This was seconded by Councillor Howard Woollaston. At the vote the motion was carried.

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

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

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

Supporter Representation

4. Mr Wilding addressed the Committee. The full representation can be viewed here:
[Western Area Planning Committee - Wednesday 16th July 2024 \(youtube.com\)](#)

Member Questions to the Supporter

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

Applicant/Agent Representation

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

Member Questions to the Applicant/Agent

7. Members asked questions of clarification and were given the following responses:
 - The woodland did not have priority habitat status. Officers' comments were based on the site being shown on Natural England's map, which was incorrect.
 - Assessment of design was inherently subjective, and decisions were often overturned at appeal. In relation to the character and appearance of the setting, the Planning Inspector who had considered the previous appeal was not a landscape specialist and had not followed the same guidance as the landscape architect for the current application. Instead, he had given his opinion on the

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matter. However, it was felt that he had misrepresented the topography of the site. Although the landscape architect had conceded that the site was not concealed from every angle, it was mostly disguised, with a restricted view from Skinners Green Farm. Additional planting and woodland management would provide an overall benefit.

- The proposed surface would be completely permeable and soakaway testing had been carried out. Hardstanding was only required 5m back from the highway. Soil disturbance would be minimal with a no-dig system proposed to protect tree roots. There was also a drainage ditch on the other side of Skinners Green where the package treatment plant could discharge to.
- The applicant had no objections if the Committee wished to restrict the Cope Hall Lane access to pedestrians/ cyclists only.

Ward Member Representation

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

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

Member Questions to the Ward Member

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

Member Questions to Officers

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

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

Debate

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

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

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

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

Town Council Representation

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

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

Member Questions to the Parish/Town Council

24. Members did not have any questions of clarification.

Objector Representation

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

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

Member Questions to the Objector

26. Members did not have any questions of clarification.

Supporter Representation

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

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

Member Questions to the Supporter

28. Members did not have any questions of clarification.

Applicant/Agent Representation

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

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

Member Questions to the Applicant/Agent

30. Members did not have any questions of clarification.

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Ward Member Representation

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

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

Member Questions to the Ward Member

32. Members did not have any questions of clarification.

Member Questions to Officers

33. Members did not have any questions of clarification.

Debate

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

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

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

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

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

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

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

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

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

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(Councillor Howard Woollaston in the Chair.)

40. The Committee considered a report (Agenda Item 3(4)) concerning Planning Application 23/002591/HOUSE and 23/02592/LBC in respect of a two storey rear extension, new bathroom in existing roof space and replacement roof coverings at Little Hidden Farm, Wantage Road, Newtown, Hungerford.
41. Ms Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and officers recommended that the Development Manager be authorised to refuse planning permission for the reasons listed in the main and update reports.
42. In accordance with the Council's Constitution, Mr James Cole and Mr Jerry Keates, town council representatives, and Mr James Acworth and Ms Marianne Smith, applicant/agent, addressed the Committee on this application.

Town Council Representation

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

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

Member Questions to the Parish/Town Council

44. Members did not have any questions of clarification.

Applicant/Agent Representation

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

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

Member Questions to the Applicant/Agent

46. Members did not have any questions of clarification.

Ward Member Representation

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

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

Member Questions to the Ward Member

48. Members did not have any questions of clarification.

Member Questions to Officers

49. Members did not have any questions of clarification.

Debate

50. Councillor Nigel Foot opened the debate. He understood why Officers had recommended refusal in order to protect the building. However, the Town Council and Ward Member representations had set out the benefits of the proposal in terms of keeping the family together and reducing social care costs, as well as the benefits for the local community. He hoped the farm could remain in the ownership of the Acland family. He noted that there had previously been some unattractive additions to the farmhouse, but the proposed development would not detract from its appearance. He proposed to reject the Officer's recommendation and grant planning permission and listed building consent.

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

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

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

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	Newspaper House Newbury Town Council	1 st January 2024 ¹		<p>23/02520/NONMAT - Application for a Non-Material Amendment Following a Grant of Planning Permission 22/02310/FUL - Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage. Amendments: External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.</p> <p>23/02544/FUL - S73A - Application for Variation of Condition 2 following Grant of Planning Permission 22/02310/FUL - Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.</p> <p>Cinch Self Storage</p>
<p>¹ Extension of time agreed with applicant until 27th August 2024</p>				

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02520/NONMAT>

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02544/FUL>

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

Ward Member(s): Councillor Nigel Foot, Councillor Stuart Gourley

Reason for Committee Determination: 23/02544/FUL - Development Manager call-in given that the representations on 23/02520/NONMAT are material to this application.

23/02520/NONMAT - Level of objection.

Committee Site Visit: Not Required

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 for the Committee to consider the development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This item is for consideration of two inter-related applications; a non-material amendment (23/02520/NONMAT) which is for the change in proposal description which subsequently allows for the retrospective changes which are being regularised in the S73A application (23/02544/FUL).
- 1.3 The previously approved application to be amended under these two applications is: 22/02310/FUL for the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.
- 1.4 The site is in the Newbury settlement boundary located along the east side of the A339 road between the Robin Hood and Bear Lane/Kings Road roundabouts. It is adjacent to the Newbury Conservation Area. A public car park and the Newbury football ground is to the east, the River Kennet/Kennet and Avon Canal is to the south, Victoria Park is beyond the A339 to the west, and the Faraday/London Road industrial estate is to the north and north east

2. Planning History

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

Application	Proposal	Decision / Date
19/01281/OUTMAJ	Outline permission for demolition of existing Newspaper House and commercial buildings and redevelopment of the site for 71 flats and office accommodation together with parking and associated works. Matters to be considered: Access, Appearance, Layout and Scale.	Non determination and Appeal Dismissed
22/00161/FUL	Recladding the existing building. Installation of drive-up storage units in the rear car park/service yard. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.	Withdrawn / 09.09.2022
22/02310/FUL	Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.	Approved / 23.11.2022
23/01371/ADV	5x individual illuminated letters mounted on an aluminium panel. Digitally printed vinyl applied to door glazing. Frosted vinyl applied to door glazing.	Approved / 21.08.2023
23/01546/COND	Application for approval of details reserved by condition 4 (External lighting) of approved 22/02310/FUL - Recladding the existing	Approved / 24.08.2023

	building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.	
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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. Site notices were displayed on 22nd December 2023 at the application site, with a deadline for representations of 15th January 2024.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** 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 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil.
- 3.6 **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.

- 3.7 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.
- 3.8 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.
- 3.9 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.
- 3.10 **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.
- 3.11 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 **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. Adjacent the Newbury Conservation Area.

4. Consultation

Statutory and non-statutory consultation

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

23/02544/FUL

Newbury Town Council:	Objection – Not non-material should be a FULL application, site is in Flood Zone 3 with flood risk assessment and flood risk measures.
WBC Highways:	No Objections
Archaeology:	No Objections
Conservation:	No Objections
Canal and River Trust:	Conditional Approval – soft landscaping condition
SUDS:	Conditional Approval – Flood warning leaflet and evacuation plan
Environment Agency:	No Comments

23/02520/NONMAT

Newbury Town Council:	Objection: 1. The proposed development is not non-material and should be subject to a full planning application. 2. The site is in a Flood Risk 3 area and the proposed development requires a full flood risk assessment and measures to deal with these risk.
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Public representations to 23/02520/NONMAT and 23/02544/FUL

- 4.2 Representations have been received from 5 contributors, 5 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:
- Would be a material change
 - Allows for the changes to the building and application site
 - Lack of drainage provision
 - Flooding impact downstream
 - No flood/drainage information submitted
 - Retrospective
 - Increased hard surfacing
 - Impact from surface run off
 - Pollution impacts
 - Environment Agency Objection still stands (*Officer comment – this is incorrect as the EA have not raised any objections to the current applications*)

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, CS9, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, OVS.5, OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).
- Policy NRM6 of the South East Plan.

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Sustainable Drainage SPD (2018)
- Conservation of Habitats and Species Regulation (2017)
- Newbury TDS (Refresh 2018)

6. 23/02520/NONMAT

6.1 Application for a Non-Material Amendment Following a Grant of Planning Permission 22/02310/FUL - Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage. Amendments: External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.

6.2 The application seeks change of description from:

“Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.”

6.3 To the proposed new description:

“External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.”

6.4 According to Section 96A of the Town and Country Planning Act 1990, a local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission (or permission in principle) as originally granted. This power includes power to make a change to a planning permission: (a) to impose new conditions; and (b) to remove or alter existing conditions.

6.5 There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context

may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application

- 6.6 When assessing the proposed description change to include the wording 'external changes' this is considered to be a small scale change and is therefore considered to be non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation

- 6.7 Your officer's recommendation is that the amendment detailed in the description and detailed within document; Cover Letter dated and received 3rd November 2023. Is approved as non-material amendment to the development granted planning permission by application 22/02310/FUL.

- 6.8 This decision is made under section 96A of the Town and Country Planning Act 1990. Except as stated otherwise, this decision does not alter any planning conditions and/or obligations on the planning permission.

7. 23/02544/FUL

- 7.1 Application Section 73A - for Variation of Condition 2 following Grant of Planning Permission 22/02310/FUL - Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.

- 7.2 The proposal seeks to regularise the retrospective changes that have been carried out these include:

- Amended layout to parking and servicing yard
- Removal of existing smoking shelter and cycle store
- Increase in height of building by 0.4m maximum and change in location of blue cladding panel
- Relocation and/or increase in height of external escape stairs
- Amendments to size and location of roller shutter doors, exit doors and windows within ground floor elevation
- Creation of two lift overruns at roof level
- Change to glazing pattern on double-height entrance projection

- 7.3 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 on brownfield sites accessed.

- 7.4 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan provides an up-to-date framework for determining applications/appeals for development in West Berkshire. Relevant policies for the commercial development are contained in the West Berkshire Core Strategy 2006-2026. These policies attract substantial weight in the determination of applications for new residential development.

- 7.5 The principle of development has been established by the approval and commencement of works on site of planning permission 22/02310/FUL for the recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.

Character and appearance

- 7.6 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.
- 7.7 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.
- 7.8 The principle of the change of use and re-cladding has been set; the proposal seeks the changes as set out above which are retrospective.
- 7.9 The overall form remains similar to the approved scheme with the proposed changes not considered to have a significant impact on the character and appearance of the area including the adjacent conservation area.
- 7.10 The conservation officer stated that “the amended drawings showed the blue band around the building moved down and square blue panels to the corners removed, which was noted as helping to reduce the visual impact of the re-cladding and signage on the setting of the adjacent conservation areas. However, the implemented scheme has a higher blue band than the approved (although not as high as initially proposed) and square blue signage panels (signage later approved via 23/01371/ADV), resulting in a slightly increased visual impact than the approved. The other proposed changes are visually minor in nature and are not considered to impact the setting of the adjacent conservation areas. In this case, it is considered to be disproportionate to request that the building is re-clad to lower the blue band in order to match the approved, therefore, I have no objections.”
- 7.11 Initially the Canal and River Trust raised an objection to the retrospective changes due to the visual impact as well as increased noise towards the canal corridor. Amended plans were submitted which proposed soft landscaping to the southern and eastern boundary with the inclusion of hedgerow to the southern boundary. This was supported by the Canal and River Trust to aid in reduction of visual impact and noise mitigation however insufficient details were submitted therefore they recommended a soft landscaping condition which would allow for further details of plant size and species as well as a maintenance and replating scheme should any plants die within 5 years.
- 7.12 The retrospective changes in general are acceptable and do not result in any harm to the character and appearance of the area or the adjacent conservation area.
- 7.13 Therefore, the retrospective changes are considered to comply with the NPPF and policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

Neighbouring amenity

- 7.14 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.
- 7.15 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.
- 7.16 The retrospective changes are not considered to have a significant impact on neighbouring amenity due to the location of these and the distance the application site is away from any neighbouring buildings.
- 7.17 Overall, there is not considered to be a significant impact on neighbouring amenity and the proposal complies with the NPPF and Policy CS14 of the Core Strategy.

Highways

- 7.18 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.
- 7.19 During the application the Council's Highways Officer was consulted and raised no objections to the changes to the layout/parking.
- 7.20 The highway officer was consulted and commented: "The proposed parking layout shown at Appendix B of the TS shows the provision of 36 car parking spaces, 2 disabled bays, 7 van spaces, 6 cycle spaces and 2 motorcycle spaces. The proposals also include the provision of 3 electric vehicle charge points. The proposed parking provision is in line with the required provision for B8 use based on West Berkshire parking standards and is therefore acceptable."
- 7.21 "The applicant has undertaken swept path analysis for a fire tender and refuse vehicle demonstrating that these vehicles can manoeuvre into and out of the site in forward gear. This is acceptable."
- 7.22 "The submitted TS considers the impact of the increased self-storage area on trip generation. It shows that the updated proposals would result in an increase in 7 two-way trips in the AM and PM peak hours, therefore a total of 13 trips per hour. The LHA have reviewed the trip rates used and it is considered that the increased GFA would not generate a net increase in trips compared to the existing use (B2 Industrial with B2a Office)."
- 7.23 The retrospective changes accord with the NPPF, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS.1 of the West Berkshire Local Plan (Saved Policies).

Flooding

- 7.24 The application site is located within flood zones 2 and 3 and therefore a flood risk assessment is required as part of Policy CS16 and the NPPF.
- 7.25 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.

- 7.26 A flood risk assessment was submitted and deemed acceptable by the drainage engineer. They requested a condition be added to require the provision of a leaflet which details flood warning information and evacuation plan which details the procedure to be followed and for this to be placed in a location visible to all. This has been recommended as a condition below.
- 7.27 The previously approved scheme has commenced on site and a sequential test is not required for change of use applications.
- 7.28 The Environment Agency were consulted on the current applications however they did not wish to provide comments or raise any objections.
- 7.29 It is noted that the Environment Agency raised an objection under application 22/00161/FUL due to the installation of drive-up storage units in the rear car park/service yard. This application was subsequently withdrawn due to the objection.
- 7.30 The retrospective changes accord with the NPPF and Policy CS16 of the West Berkshire Core Strategy (2006-2026).

8. Planning Balance and Conclusion

- 8.1 The application 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.
- 8.2 The retrospective changes are not considered to cause any harm to the character and appearance of the area and the adjacent conservation area.
- 8.3 Furthermore, no objections have been raised by the Lead Local Flood Authority (LLFA) or the Environment Agency.
- 8.4 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 APPROVAL.

9. Full Recommendation

23/02520/NONMAT

- 9.1 To delegate to the Development Manager to GRANT APPROVAL for a NON-MATERIAL AMENDMENT following a grant of planning permission 22/02310/FUL to change the application description from:
- “Recladding the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.”*
- 9.2 To the proposed new description:

“External changes including the recladding of the existing building. Change of use from class B2 Industrial with B2 (a) Office to B8 Storage.”

23/02544/FUL

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

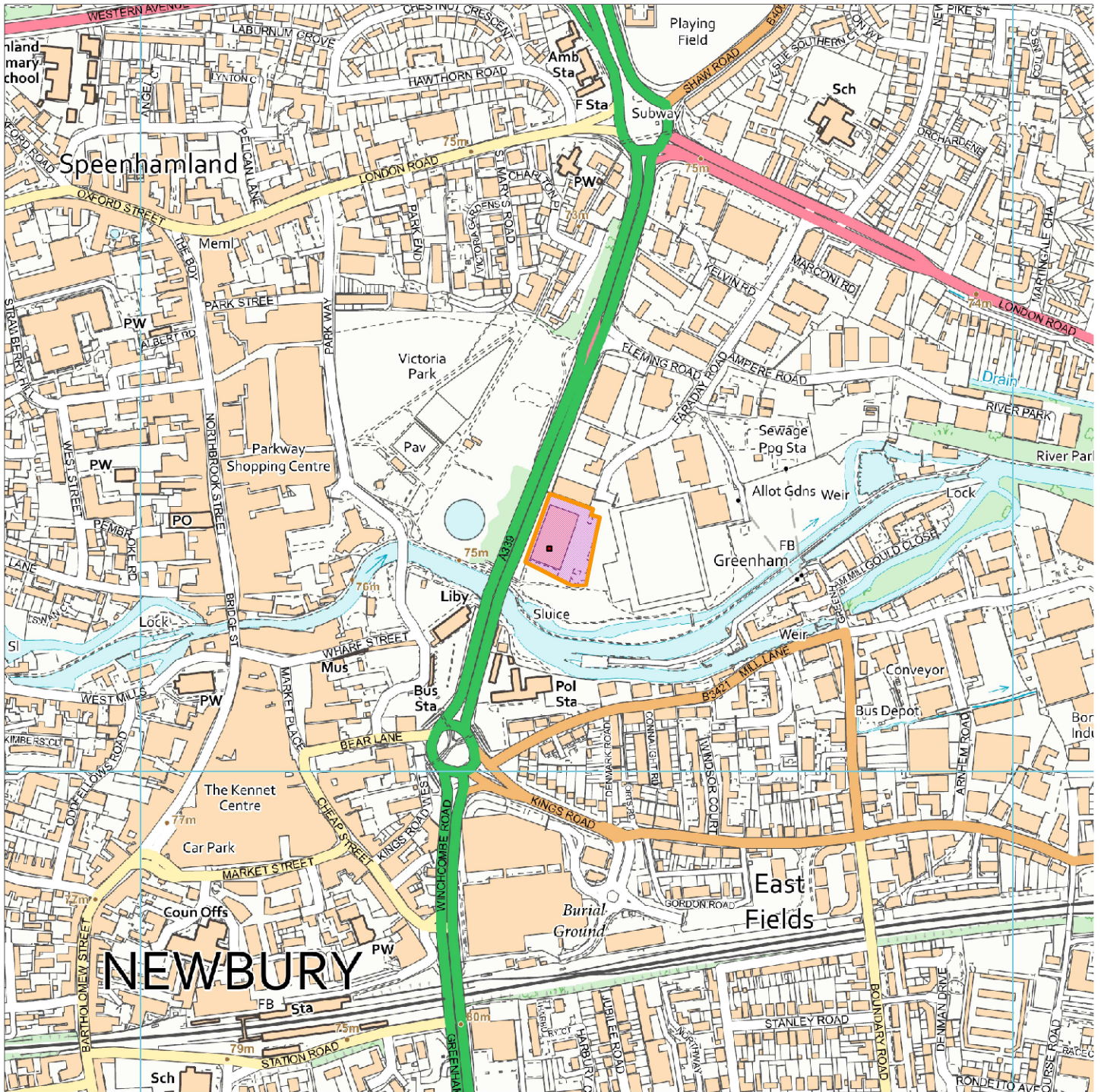
Conditions

1.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Proposed Roof Plan 119A received 6th November 2023; Proposed First Floor Plan 117A received 6th November 2023; Proposed Ground Floor Plan 116A received 6th November 2023; Proposed North and East Elevations 114A received 6th November 2023; Proposed South and West Elevations 115A received 6th November 2023; Schedule of Proposed Changes received 6th November 2023; Proposed Site Plan 121F received 15th May 2024; Flood Risk Assessment 27848 Issue 3 received 15th May 2024.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2	<p>Materials 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>
3.	<p>Soft landscaping (prior approval) Within 3 months of the date of this decision a detailed soft landscaping scheme shall be 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 this decision. 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 and provide visual and noise mitigation to the canal. 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>
4.	<p>Flood Warning Leaflet and Evacuation Plan Within 3 months of the date of this decision a Flood Warning Leaflet and Evacuation Plan detailing the procedure to be followed shall be produced and placed in a location</p>

	<p>visible to all and easily accessible for the plan to be enacted correctly in the event of a flood.</p> <p>Reason: To ensure the safety of all occupants from the risk of flooding. To ensure appropriate disposal flood mitigation measures are carried out, in accordance with the National Planning Policy Framework, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.</p>
5.	<p>External Lighting</p> <p>The details submitted in relation to Condition 4 under approved application 23/01546/COND of planning permission 22/02310/FUL are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice, and in accordance with the following approved details:</p> <p>'Alterations to Newspaper House, Faraday Road, Newbury, West Berkshire RG14 2DW - Planning Approval - 22/02310/FUL - Condition 4 - External Lighting Design' prepared by Roger Mears Architects.</p> <p>'DF5952 Installation: Proposed Lighting' prepared by Collingwood Lighting.</p> <p>Industrial floodlight specification sheet.</p> <p>Received 29th June 2023.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the SSSI located adjacent to 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>

Informatives

1.	Proactive
2.	CIL



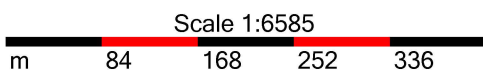
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Scale : 1:6585

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	13 August 2024
SLA Number	0100024151



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Plans and drawings relevant to reports submitted to Western Area Planning Committee

Wednesday 21st August 2024 at 6.30pm

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

&

And via Zoom

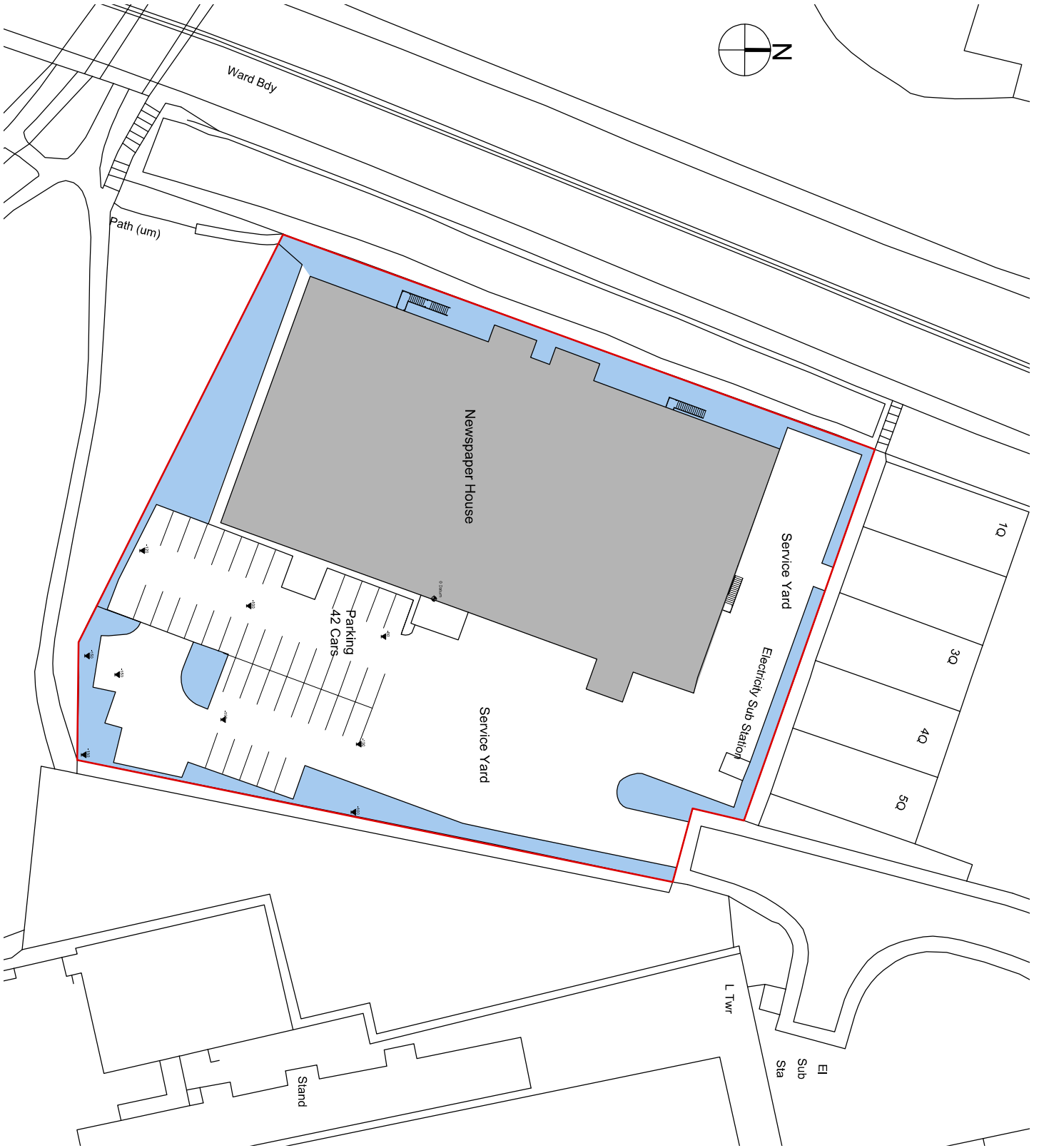
[to be read in conjunction with the main agenda]

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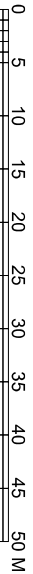
- *All drawings are copied at A4 and consequently are not scalable*
- *Most relevant plans have been included – however, in some cases, it may be necessary for the case officer to make a selection*
- *All drawings are available to view at www.westberks.gov.uk*



23/02520/NONMAT & 23/02544/FUL
Newspaper House
Faraday Road
Newbury
RG14 2DW



01 Existing Site Plan
06 1:500@A3; 1:250@A1



Notes

Existing Permeable Landscaping
2724.5 sqm
Permeable surface

D	Updated	08.05.24
C	Updated	19.04.24
B	Updated	18.04.24
A	Updated	17.04.24

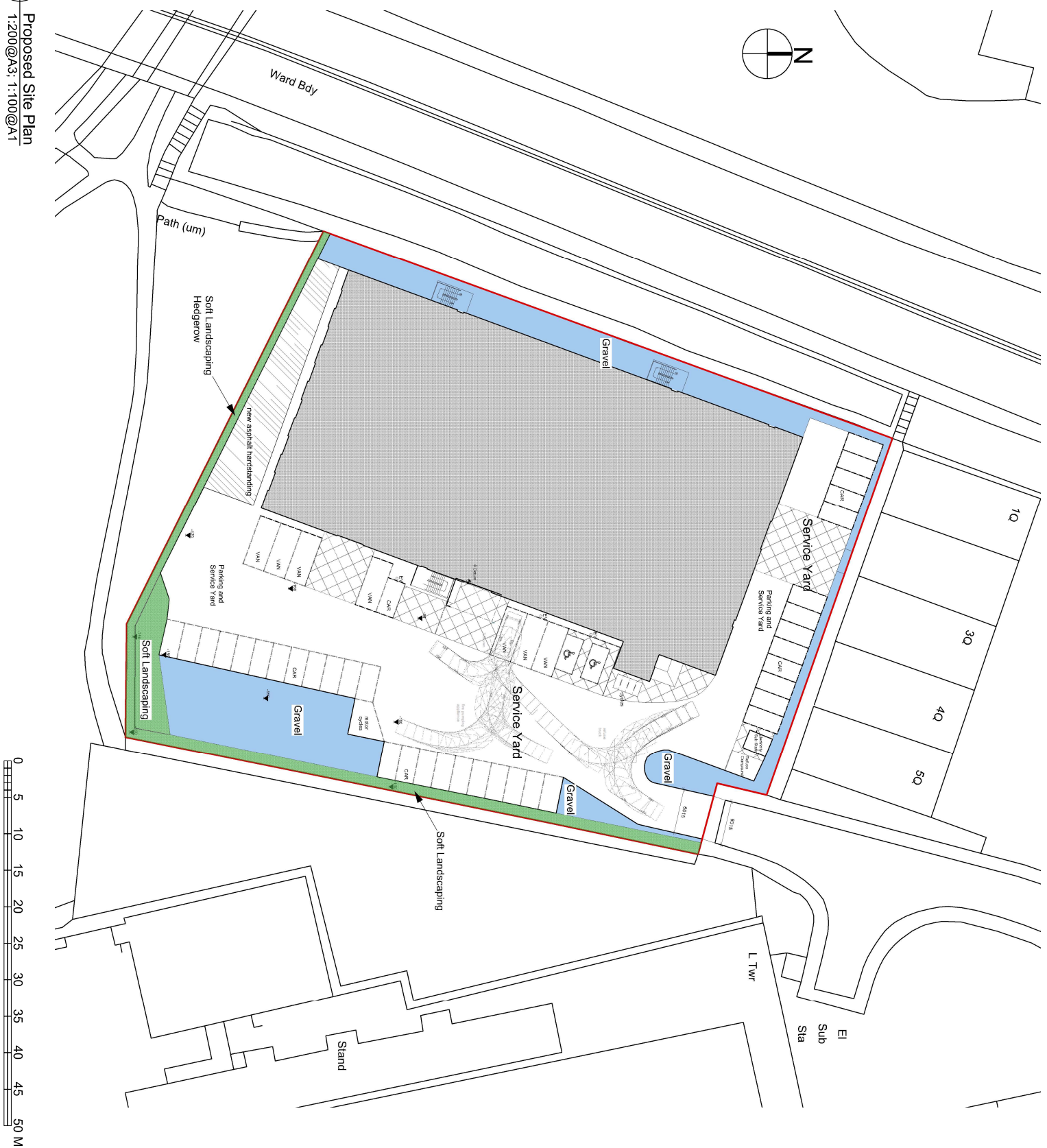
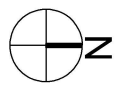
Revisions

Cinch Newspaper House
Newbury

Existing
Site Plan

ROGER MEARS ARCHITECTS LLP
Union Chapel, Compton Avenue
London N1 2XD
tel 020 7359 8222
m@rmars.co.uk
www.rmars.co.uk

Date	Scale	Job No.	Code	Draw No.
17.11.21	1:500@A3	2104	-	011D



Notes

New Hardstanding
Asphalt on Type 1 and hardcore base.
191 sqm

Proposed Permeable Landscaping
100% of surface
Soft Landscaping 272 sqm
Gravel 736 sqm

- Gravel
- Soft Landscaping
- Parking
Carpark
20 Car Spaces
7 Yards

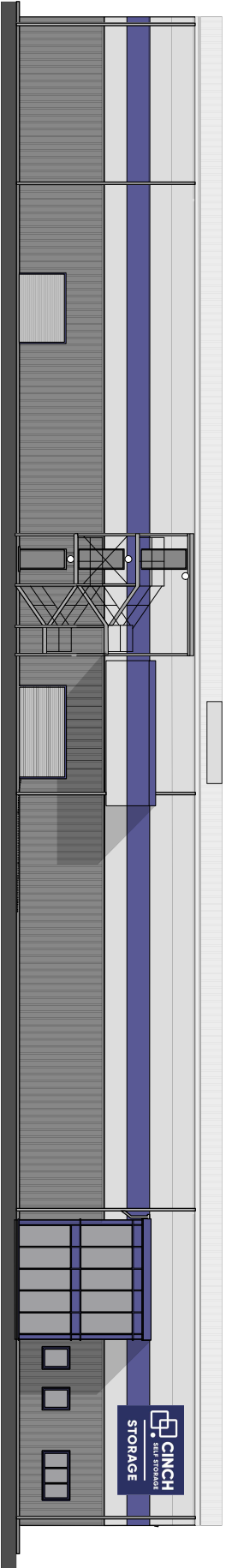
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E	Updated	07.05.24
D	Updated	03.05.24
C	Updated	19.04.24
B	Updated	18.04.24
A	Updated	17.04.24

Cinch Newspaper House
Newbury

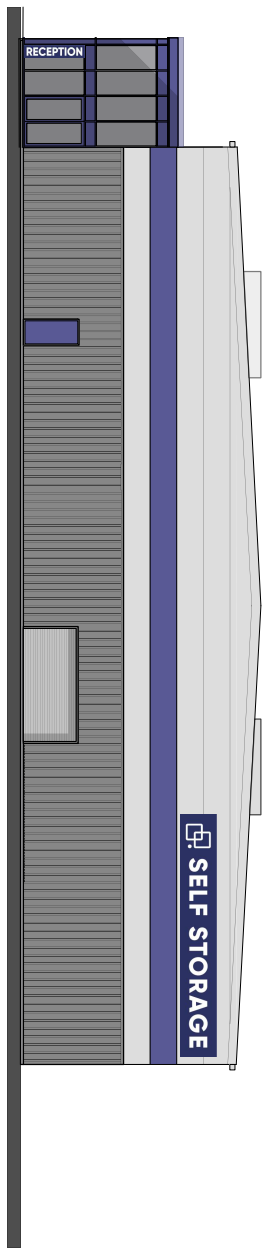
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Proposed Site Plan

Date	Scale	Job No.	Code	Draw No.
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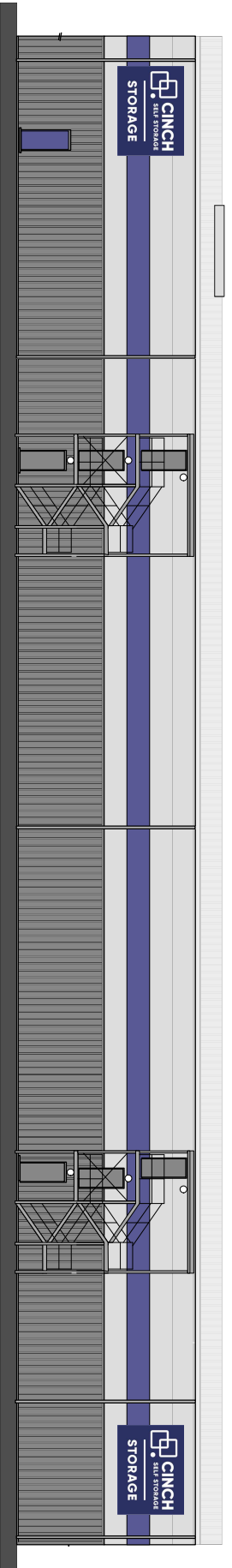
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114



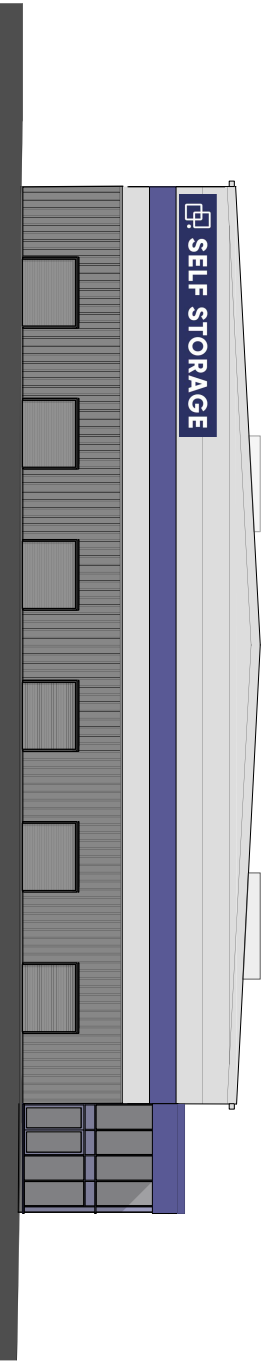
02 Proposed North Elevation
1:200@A3; 1:100@A1
114



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A	Updated			30.10.23					
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<p>Proposed East & North Elevations</p>									
<p>ROGER MEARS ARCHITECTS LLP Union Chapel, Compton Avenue London NE 2XD t: 020 7359 8222 m: 020 7359 8222 www.rmeas.co.uk</p>									
Date	Scale	Job No.	Code	Dwg No.					
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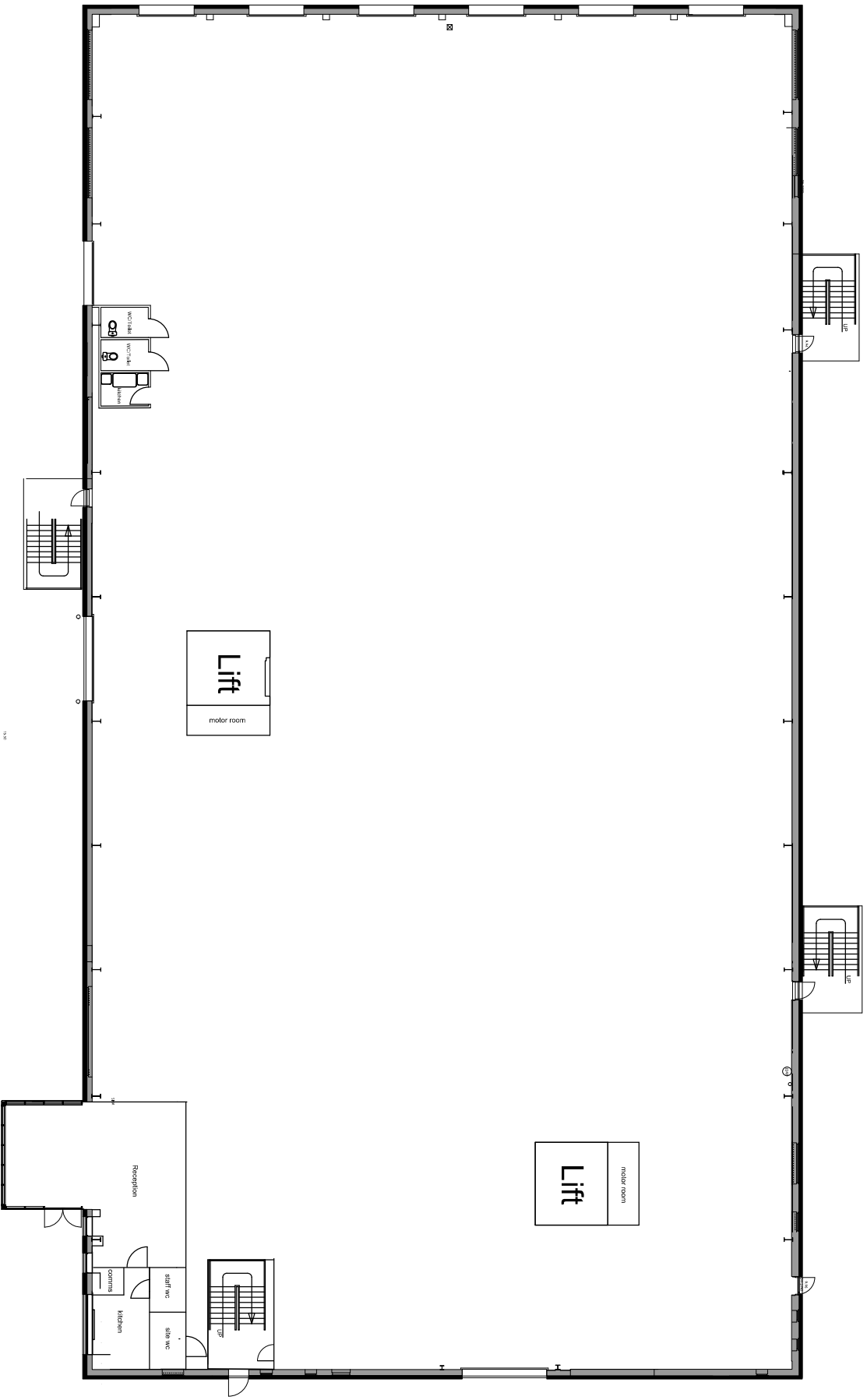
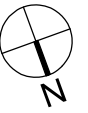
01 Proposed West Elevation
115 1:200@A3; 1:100@A1



02 Proposed South Elevation
115 1:200@A3; 1:100@A1



<p>Revisions</p> <p>A Updated 30.10.23</p>				
<p>Cinch Newspaper House Newbury</p>				
<p>Proposed West & South Elevations</p>				
<p>ROGER MEARS ARCHITECTS LLP Union Chapel, Compton Avenue London NE 2XD tel 020 7359 8222 m@rmearsa.co.uk www.rmearsa.co.uk</p>				
Date	Scale	Job No.	Code	Draw No.
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01
116
As Built Ground Floor Plan
1:200@A3: 1:100@A1

Notes

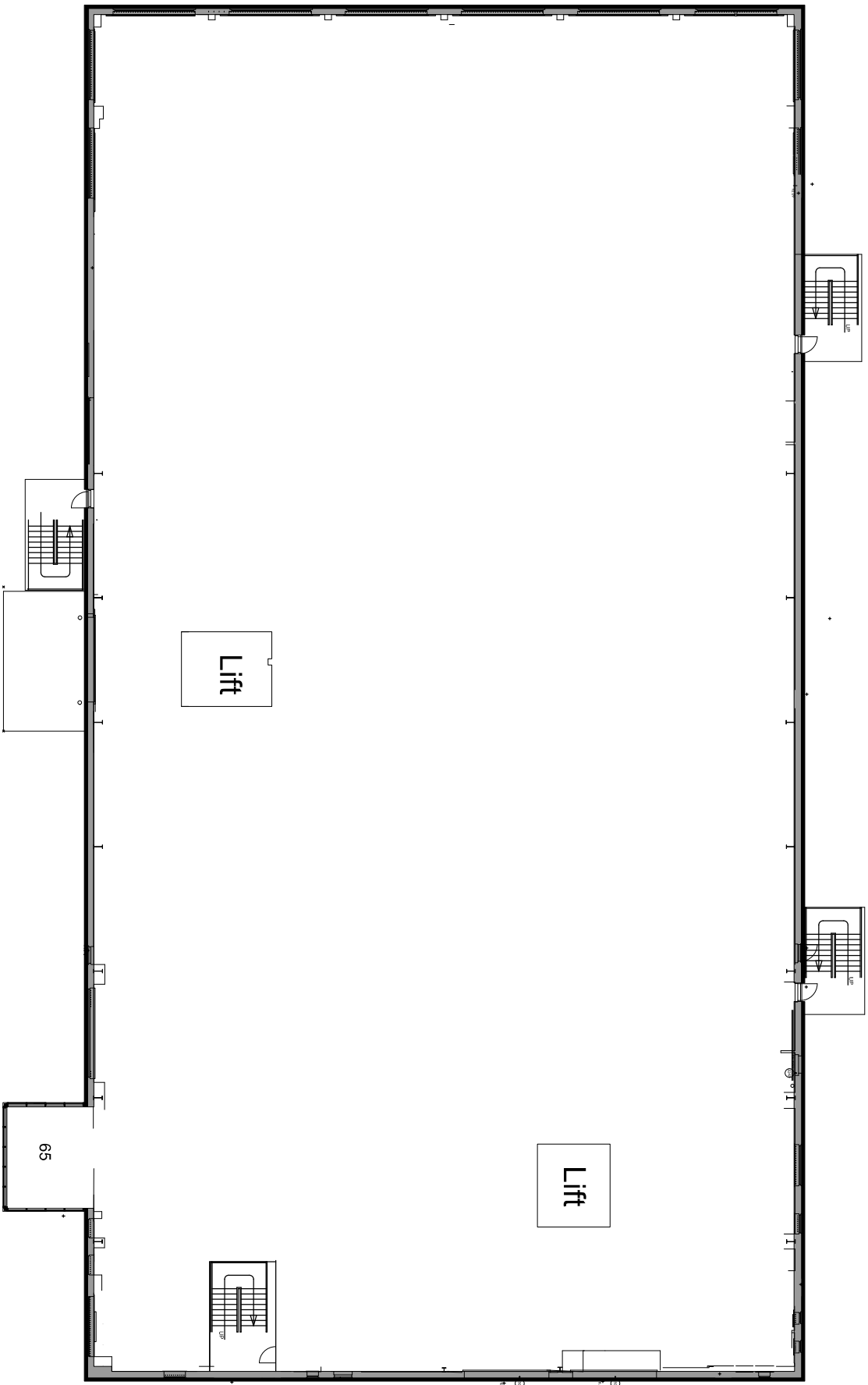
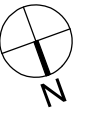
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Cinch Newspaper House
Newbury

Proposed
Ground Floor Plan

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Date	Scale	Job No.	Code	Draw No.
17.11.21	1:200@A3	2104	-	116A



01 As Built First Floor Plan
117 1:200@A3; 1:100@A1

Notes

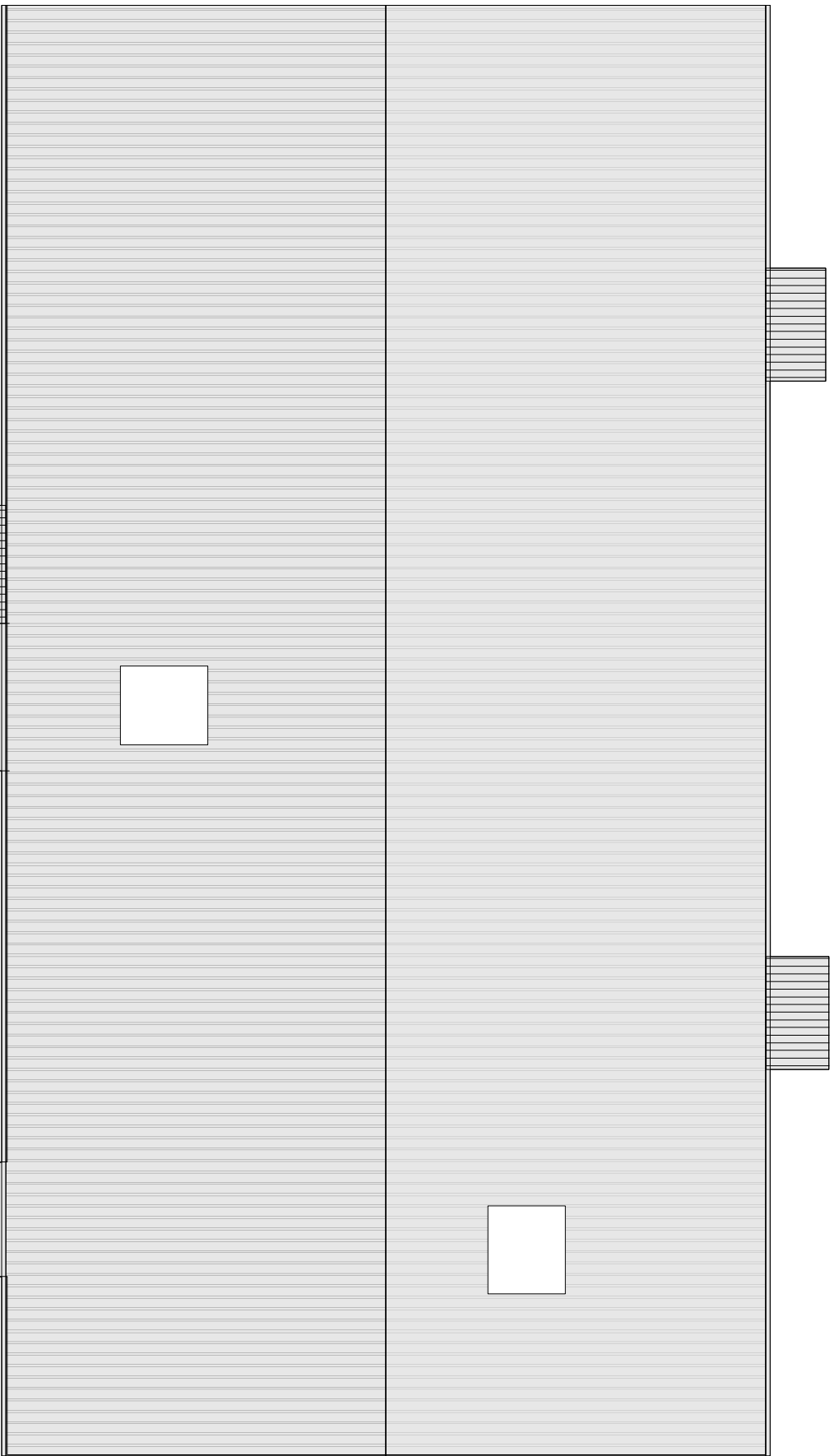
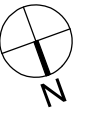
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Cinch Newspaper House
Newbury

Proposed
First Floor Plan

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Date	Scale	Job No.	Code	Dwg No.
17.11.21	1:200@A3	2104	-	117A



01 As Built Roof Plan
119 1:200@A3: 1:100@A1

Notes

Revisions	A	Updated	30.10.23
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Cinch Newspaper House
Newbury

Proposed
Roof Plan

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tel 020 7359 8222
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Date	Scale	Job No.	Code	Draw No.
17.11.21	1:200@A3	2104	-	119A

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