

Notice of Meeting



Scan here to access the public documents for this meeting

Western Area Planning Committee Wednesday 20 November 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](#)

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

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 19 November 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 12 November 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 20 November 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 20 November 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 - 28
To approve as a correct record the Minutes of the meeting of this Committee held on 18 September 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) **24/01755/FUL Twistle Cottage** 29 - 46

Proposal: Part retrospective change of use of land to mixed ancillary residential use with agricultural use, remodelling of land levels and rebuild of stables to an agricultural store.

Location: Land adjacent Twistle Cottage, Long Lane, Shaw.

Applicant: Mr Simpson.

Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in the report.
 - (2) **23/02643/OUTMAJ Greenham** 47 - 86

Proposal: Outline planning application for up to 9 no. dwellings and all associated works. Matters to be considered Access, Landscaping and Layout.

Agenda - Western Area Planning Committee to be held on Wednesday 20 November 2024

(continued)

Location: Premier Inn
Pinchington Lane
Newbury
RG14 7HB

Applicant: Whitbread Group PLC

Recommendation: PROVIDED THAT a Section 106 Agreement 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 Manager to GRANT PLANNING PERMISSION subject to the conditions listed in the report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).

OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in the report.

(3) **23/02536/FULMAJ Cold Ash**
Proposal:

87 - 106

Section 73 - Vary condition 2 (Approved plans) of approved application 21/03154/COMIND:
Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.

Location: Land West Of Heath Lane and North Of Bowling Green Road, Thatcham

Agenda - Western Area Planning Committee to be held on Wednesday 20 November 2024
(continued)

Applicant: West Berkshire Council
Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in 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.



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 18 SEPTEMBER 2024

Councillors Present: Clive Hooker (Vice-Chairman), Adrian Abbs, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

Also Present: Paul Goddard (Team Leader - Highways Development Control), Paul Bacchus, Debra Inston (Principal Conservation & Design Officer), Jake Brown (Principal Planning Officer) Thea Noli (Senior Paralegal), Jessica Bailiss (Democratic Services Officer) and Thomas Radbourne

Apologies for inability to attend the meeting: Councillor Phil Barnett, Councillor Antony Amirtharaj and Councillor Paul Dick

(Vice Chair, Councillor Clive Hooker, in the Chair)

PART I

1. Minutes

Consideration of the Minutes of the meeting that took place on 24 July 2024 was deferred until the next meeting of Western Area Planning Committee due to take place on 23 October 2024.

2. Declarations of Interest

Councillors Adrian Abbs and Howard Woollaston declared that they had been lobbied on Agenda item 4(1).

Councillor Denise Gaines and Councillor Tony Vickers declared that they had been lobbied on Agenda items 4(1) and 4(2).

Councillor Clive Hooker declared that he had been lobbied on Agenda Item 4(2).

Councillor Vickers declared an interest in Agenda items 4(1) and (2) by virtue of the fact that he was a Member of the Planning and Highways Committee on Newbury Town Council which had considered this application. However, he had not been present at the meeting when the applications were discussed. As his interest was personal and not a prejudicial or 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(2) by virtue of the fact that he was a Member of the Planning and Highways Committee on Newbury Town Council which had considered this application. Although he had been present when the application was discussed, he indicated that he would consider the application afresh. As his interest was personal and not a prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter

Councillor Foot declared an interest in Agenda Item 4(3) by virtue of the fact that he was the current Executive Portfolio Holder for Culture, Leisure, Sport and Countryside, and was familiar with aspects of the application. He indicated that he would consider the

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

application afresh. As his interest was personal and not a prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Woollaston declared an interest in Agenda item 4(3) by virtue of the fact that he was the current Shadow Portfolio Holder for Culture, Leisure, Sport and Countryside. As his interest was personal and not a prejudicial or 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: 23/02782/FULMAJ - 20 - 28A Pound Street, Newbury

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/02782/FULMAJ - 20 - 28A Pound Street, Newbury in respect of the proposed demolition of existing buildings (including former Jewson's site); existing dwellings 26 and 28 Pound Street; and, 28a Pound Street (former Newbury Bathroom Store) and erection of 79no. residential dwellings alongside access works, landscaping, open space, drainage and other associated works.
2. 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 the Development Manager be authorised to grant planning permission provided that a Section 106 Agreement had been completed by 18 November 2024 (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), and subject to the conditions listed in section 8 of this report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee). OR, if a Section 106 Agreement was not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in section 8 of this report.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application.
4. Mr Goddard addressed the Committee, and his full representation can be found here: [Western Area Planning Committee 18th September 2024](#).
5. The Chairman asked Mr Paul Bacchus if he had any observations relating to the application.
6. Mr Bacchus addressed the Committee, and his full representation can be found here: [Western Area Planning Committee 18th September 2024](#).
7. In accordance with the Council's Constitution, David Harmon, Parish/Town Council representative, and Mr Jamie Pearson, applicant/agent, addressed the Committee on this application.

Parish/Town Council Representation

8. Mr Harmon addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 18th September 2024](#)

Member Questions to the Parish/Town Council

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

9. Members did not have any questions of clarification.

Applicant/Agent Representation

10. Mr Jamie Pearson addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 18th September 2024](#)

Member Questions to the Applicant/Agent

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

- There was a car park management plan, which would be part of the conditions agreed with the Highways Officer. It would be a communal car park managed by a car park management company.
- There was a healthy mix that was split between private accommodation and affordable housing. Some of the town houses would be for social rent, there was one and two bedroom accommodation split between private and social rent, as well as some of the intermediates. The affordable housing would be spread out throughout the site, instead of being put in one part of the development.

Ward Member Representation

12. Councillor Louise Sturgess addressed the Committee on behalf of herself and Councillor Martin Colston who had needed to give his apologies. The full representation can be viewed here: [Western Area Planning Committee 18th September 2024](#)

Member Questions to the Ward Member

13. Members did not have any questions of clarification.

Member Questions to Officers

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

- Mr Brown highlighted that Paragraph 6.75 identified a number of public open spaces that were available in close proximity to the site for future residents.
- Mr Brown noted that the site was extremely constrained, and in order to ensure efficient use of the brownfield site and delivery of much needed housing, officers had considered (as allowed by Policy RL2 of the West Berkshire District Local Plan saved policies in terms of open space) this was appropriate to be mitigated by a contribution to meet the public open space requirements of the development. Officers were waiting for confirmation from the Council's countryside and public open space team as to the exact amount which would be used to provide either improved facilities or additional new public open space.
- Mr Brown noted that officers considered that the planning obligation provided sufficient financial contribution to provide green infrastructure. There was also additional green infrastructure through landscaping on the site boundary along the edge of the railway.
- Mr Brown highlighted that Paragraph 6.10 set out the identified housing mix of the Strategic Housing Market Assessment that the Council had produced. When the mix was compared to the more recent evidence in paragraph 6.15, it comprised significantly more one bed and affordable home ownership dwellings, and significantly more three bed and affordable homes, despite an identified need for a mix to include four plus bedroom dwellings, which the proposed development would not provide. The housing mix was not dictated by a housing market assessment, it also took into account the character of the area, and how

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

accessible the site was to a variety of amenities and transport links. When all developments through the district were taken into account, the Council aimed to achieve the percentages set out in the market assessment.

- Mr Goddard stated that the proposed crossing to the east of the access and the Co-operative store would only be aided by a set of dropped kerbs and tactile paving and would not be a signal crossing or a zebra crossing. There were a number of reasons for that, including the Department of Transport's criteria on whether such crossings were required, and it was doubtful that the criteria would be met in this case. If a zebra crossing was installed, there would need to be zigzag lines, which would result in the loss of a section of on street parking, which would require a traffic regulation order, and a separate consultation with the community. Mr Goddard noted that the community may not be positive considering the current demand for car parking in the area.
- Mr Goddard stated that disabled car parking should be up to 4% of all spaces, four car parking spaces would satisfy that requirement.
- Mr Goddard stated that there would be large communal bins, rather than 79 individual bins. There would be a number of different points where the refuse vehicles would stop.
- Mr Goddard stated that the bins would be stored inside the buildings.

Debate

15. Councillor Vickers opened the debate by noting that the 20mph zone addressed the issue that there were no pedestrian crossings because of the relatively low traffic speed. Councillor Vickers noted that the junction was quite busy but suggested that what was provided in the application would be sufficient. Regarding the public open spaces, Councillor Vickers highlighted the nearby canal as a possible additional public space and noted that Victoria Park and Northcroft Park were the areas that would most need contributions to improve their facilities for the residents of the site. Councillor Vickers noted the presence of swifts and suggested the inclusion of swift boxes.
16. Councillor Abbs noted the amenities available to residents and highlighted that CS 18 was clear that where possible green space should be made available on site. Councillor Abbs noted that the site was underdelivering in respect of green space by less than half of what was required. Councillor Abbs suggested that 69 houses and a public green space would have solved that issue along with other parking issues.
17. Councillor Woollaston supported the development and noted that it met the affordable housing requirements, creating housing which was desperately needed.
18. The Chairman referred to the list of conditions raised by Councillor Sturgess and asked Ms Debra Inston to address each of the points individually so that Members could consider them for inclusion. Ms Inston reported that Councillor Sturgess' points had been received in advance of the meeting and a number of conditions had been amended and added in response to these points. Ms Inston drew the Committee's attention to the update report where the amended and additional conditions were set out. Changes included:
 - Details of windows and doors, and window reveals, had been removed from the building materials conditions and was a standalone condition that required external joinery windows and doors including reveals.

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

- In relation to Councillor Sturgess' request to have building materials that were handmade bricks and stone, this had not been recommended as officers did not consider this to be reasonable.
 - Regarding Councillor Sturgess' request to change condition 11 to 'prior to commencement of development' rather than 'prior to commencement of occupation'. Officers noted that there would be no impact on the water network until the buildings were occupied, so it would be unnecessary to have as a pre-commencement condition, as pre-occupation would be sufficient.
19. Members were satisfied that the points raised by Councillor Sturgess had been correctly addressed by officers and were happy for the amended and additional conditions as set out in the update report to be included if the application was approved.
20. Councillor Abbs proposed to accept officers' recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Woollaston.
21. Councillor Vickers requested that the condition regarding bird boxes be amended as swift boxes were very particular in their design. Ms Inston referred to condition 34 of the update report on biodiversity measures and confirmed that this could be updated to state 'bird boxes including swift boxes'. Councillor Abbs confirmed he was happy to accept this amendment as part of his proposal.
22. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Woollaston, to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions set out in the report, update report and amendment to condition 34 as set out above.

(2) **Application No. and Parish: 23/02550/FULMAJ - Elm Farm, Hamstead Marshall, Newbury**

23. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 23/02550/FULMAJ in respect of the demolition of redundant farmstead buildings, proposed new house, relocated barn, change of use of field area for re-location of solar panels and significant landscape/biodiversity.
24. 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 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.
25. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. In summary it was confirmed that Highways Officers raised no objection to the proposal.
26. In accordance with the Council's Constitution, Anne Budd, Parish Council representative, Nick Wallis, supporter, and Martin Leay, agent, addressed the Committee on this application.

Parish/Town Council Representation

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

27. Ms Anne Budd addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 18th September 2024](#)

Member Questions to the Parish/Town Council

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

- To clarify comments regarding part of the site being converted into a conference centre, Ms Budd stated she had first entered the structure over 20 years ago when it was still a working agricultural barn. Shortly after it was sold to the Organic Research Centre as a conference centre and offices. There had been a number of 'bolt ons' since, which had added to the complexity and awkwardness of the design.
- Ms Budd elaborated on what she had meant by the 'land invasions', which she felt the development, if approved, would help deter. Any large expanse of land was subject to land invasion by hare coursing, theft, fire, and menace. These were all very distressing situations. The location was very close to the road and this attracted unwarranted negative attention.

Supporter Representation

29. Mr Nick Wallis addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 18th September 2024](#)

Member Questions to the Supporter

30. Members did not have any questions of clarification.

Applicant/Agent Representation

31. Mr Martin Leay (Agent) addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 18th September 2024](#)

Member Questions to the Applicant/Agent

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

- Option A, which had involved pursuing a new scheme for converting the barn had been submitted at the preapplication stage as an option for consideration. It did not form part of the current application and would form a fall back option.
- Regarding whether solar panels would be replaced, currently all solar panels were on the southeast face of the large agricultural barn. As part of the current application a proportion of the panels would be placed on the barn and the rest would be placed in a field area.
- It was clarified that the first floor of the proposal would consist of bedrooms and the second floor would be storage with two gable end windows for natural light.
- All of the land outside of the green line boundary would remain as farmland for seasonal sheep grazing.

Ward Member Representation

33. Councillor Tony Vickers addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 18th September 2024](#)

Member Questions to the Ward Member

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

- Regarding detail in the report that the proposal did not accord with the North Wessex Downs Area of Outstanding Natural Beauty (AONB) position statement or

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

housing or management plan 2019-2024, Councillor Vickers reported that he had not found anything specific on this. The AONB management plan devolved planning policy matters to the individual seven planning authorities. Preparation of the new management plan had begun and one of the aims was to try and bring some consistency across the planning authorities. Councillor Vickers had not been able to find anything specific in the AONB management plan that was strongly against the proposal.

Member Questions to Officers

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

- Regarding a similar application that had been considered by the District Planning Committee and the difference to the current application, Ms Inston reported that with the last application there had been an appeal decision that carried significant weight and therefore there was a difference in terms of the material considerations. Technically the current application was contrary to the spatial strategy policy in the Local Plan.
- Ms Inston confirmed that advice would have to be sought from the Development Manager on whether the application would be deferred to the District Planning Committee if approved.
- The Chairman highlighted that a further difference between the current application was that it was on balance rather than weighted as it had been with the previous application referred to.
- Ms Inston highlighted that one further difference between the two applications in terms of balance and material considerations was that there was a designated heritage asset adjacent to the current application site and whether a planning application enhanced the setting of a designated heritage asset was a material consideration. This was an additional material consideration that officers had given limited weight to as part of the current application.
- Regarding weighting and whether harm would be caused to the designated heritage site if the development went ahead, officers confirmed that the weight in respect of this had been assessed as neutral. The harm caused by losing the agricultural use of the site could be weighed against the benefits of reestablishing the historic orchard that was once there.
- In terms of if the application was refused and subsequently taken to appeal, officers were confident in their recommendation and that it could be defended at appeal. All the material considerations had been looked at accordingly and officers were comfortable with the recommendation. The Chairman was of the opinion that the possibility of an appeal should not influence the Committee's decision.
- Regarding what constituted conserving and enhancing the landscape in a changing climate in light of challenges to the rural economy, Mr Brown drew Members attention to paragraph 6.3 of the report, which detailed that the applicant had submitted a commercial use appraisal for the existing barns carried out by Carter Jonas. The information provided with the application had not demonstrated that the barns were redundant for agricultural purposes. Regarding the changing nature of farming, there was nothing to prevent the applicant from demolishing some of the barns and turning the land into grazing land. This would conserve and enhance the character of the area.
- In reference to various plots of land mentioned, the ownership of these plots and if these had been developed in a similar way, setting a precedent, it was clarified by

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

officers that only the application before the Committee was for consideration and officers were not aware of any examples of new dwellings nearby that had been permitted in similar circumstances. Regarding what had been mentioned in relation to new residential use, this had related to the conversion of the barn to residential. Councillor Vickers clarified that the barn referred to by Ms Budd was the old, listed barn and was a heritage asset within the courtyard next door. The farmhouse, which had been referred to as not suitable for modern day living, was part of the original farm and not believed to be a listed structure. It was confirmed by officers that although the farmhouse was not listed it was considered as having local heritage significance. Councillor Vickers clarified the point on the wider ownership and explained that Elm Farm had originally been a very large holding, and many of the parcels of land now accommodated an agricultural building. They did not contain a dwelling like that proposed as part of the current application.

- Regarding the planning application for the conversion of the former research laboratory, which was approved in 2020, it was confirmed by officers that this was the listed barn that was adjacent to the proposed site.
- In relation to a query about the height of the proposal, Mr Brown confirmed that the slide showing the proposal overlaid with the existing was not to scale and was a generated image provided by the applicant as part of the application.
- Mr Brown stated that as detailed in the report and update report, the highest point of the ridge of the proposed dwelling was approximately 1.3m taller than the existing barn and if the chimneys were included this increased to 3.1m. If Members were minded to approve the application there was the ability to put on a condition requiring details of existing and proposed ground levels that would enable some levelling of the ground and possibly some reduction in height as it would be set down further into the site. Officers would not wish to see any significant change in ground levels comprising of metres or more as this would require engineering works such as retaining walls, and this type of work would need to form part of an application.

Debate

36. Councillor Adrian Abbs referred to the officer's recommendation that was on balance however, he referred back to a recent application considered by the District Planning Committee, which in his view was very similar to the one being considered. If there was no significant difference, then he would be minded to vote the same way. He was not convinced regarding the lack of sustainability as there was a bus stop/route very close to the site. In terms of what was being designed, it was noted that it was a large dwelling and one of the floors had the potential to be increased beyond what was proposed. Councillor Abbs was aware of other developments in the district that had started off quite large and subsequently continued to grow in size. Councillor Abbs was minded to vote in line with the officer's recommendation as it was policy driven.
37. In response to the comments from Councillor Abbs on adhering to policy, the Chairman stated that he was of the view that there was plus or minus five to ten percent of flexibility that the Committee could apply to policy if it wished.
38. Councillor Vickers felt that there were some large differences between the current application and the previous application referred to that was considered by the District Planning Committee. The similarity was the in principal objection and this could only be challenged if there were some very good reasons to do so, which Councillor Vickers felt there were regarding the current application. These reasons

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

included the bus route and secondly, he felt that the application was honest in comparison to the other application in that a statement building was proposed from the outset. Councillor Vickers referred to the opinions expressed by officers regarding the weight given to the impact of the proposal upon the neighbouring amenity and environment, and stated he would take a much more positive stance on this and disagreed with some of these points, particularly in relation to the impact of the appearance of the proposal.

39. Councillor Foot agreed with the comments raised by Councillor Vickers. It was a difficult matter due to the nature of the area being within the AONB and the policies set out by officers. In his view the proposal would enhance the environment, and it was important to note the support from local residents. He felt the biodiversity net gain and environmental credentials would be enhanced by the proposal. It was felt that the fact that more people were turning to electric vehicles had been overlooked and it was also possible to cycle into the town from the site. Councillor Foot felt that an area of significance was that the Parish Council had endorsed the proposal and whilst he fully respected the position taken by officers in outlining the policy, he felt a common sense approach was required and in his view the proposal should not be refused.
40. Councillor Woollaston agreed with the points raised by Councillor Foot. He also noted the support from the Parish Council and residents, and felt weight needed to be put behind this. He fully understood the officer recommendation, which was based on policy however agreed a common-sense approach needed to be taken. Councillor Woollaston stated that he was in support of the proposal.
41. Councillor Denise Gaines referred to paragraph 6.3 of the report which stated the applicant had submitted a commercial use appraisal for the existing barns, which considered there to be a strong demand for rural commercial workshop storage units and advised the existing barns were suitable for such uses. Councillor Gaines was concerned that one proposed house would remove all the barns, which had the potential to contribute to the rural economy. Councillor Gaines was still undecided on the application but was mindful that approving planning permission would go against AONB policy and three of the Local Authority's own policies. Councillor Gaines was concerned that the proposal would place a four bedroom property in the middle of a farm where there could be barns that could have agricultural use and help to inflate the local rural economy.
42. The Chairman reminded Members to think about possible conditions if they were minded to approve the application.
43. Councillor Woollaston proposed that the Officers recommendation to refuse planning permission be rejected. He therefore proposed to grant planning permission.
44. Ms Inston advised Members that they needed to be very clear in their reasons for approving the application when the particular circumstances of the site were such that they weighed against the policies in the Local Plan. Reasons would need to be very clear in terms of the weight given to the material planning considerations and how they outweighed the development plan policy.
45. Councillor Vickers highlighted the reinstatement of a historic orchard as a reason and other reasons included the greater than required biodiversity enhancements. It was felt the proposal would enhance and conserve the local environment as it would remove an eye sore and a great deal of concrete.

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

46. Councillor Woollaston agreed the site was an eye sore and there was a risk it would remain this way. It was important to take account of the local people's views even if slightly against policy.
47. Ms Inston reminded Members that they needed to be very clear on reasons and needed to be mindful that there were a lot of similar barns across the district. How the particular circumstances of the site in question differed to other sites needed to be clear, to ensure a precedent was not set.
48. Councillor Vickers felt that the circumstances were different to other barns he had seen around the district, as most sat within existing large farming units. The site in question had been broken up into a number of much smaller farming units. These ownership circumstances had led to the building deteriorating. Councillor Vickers could not imagine the existing structures being turned into something agricultural without unreasonable expense. In his view it would be a mistake to refuse the application.
49. Councillor Abbs believed there was an example of a similar barn up the road from the application site, which could be demolished under the same reasons if the current application was approved.
50. Councillor Foot queried if the proposed house would enhance the heritage barn next door to the site and if this could be included as a reason to support approval against the recommendation. Currently there was a heritage barn with a collection of eye sores and derelict barns adjacent to it. Ms Inston responded that it was within the power of the Committee to give weight to this as a consideration. As set out in the report, officers had given this limited weight.
51. Councillor Vickers noted in the comments from Highways within the report that by granting planning permission HGV movements would be reduced within the area, which were minor, unstable roads. He queried if this added to the weight in favour of the application.
52. Debra Inston reported that based on the Highways Officer's comments the current impact on the highway network was not an issue. There might be less movements if the dwelling was approved however, officers would not advise this as a strong material consideration to give weight to.
53. Councillor Abbs added that heavy vehicles formed part of the natural rural economy. He felt that adding the reduced impact on the highway as a reason risked setting another precedent.
54. The Chairman reminded the Committee of the issues for consideration. The principles of development were what the majority of the discussions had focused on. The design character and appearance of the proposal were acceptable in his opinion. The historic element seemed to be acceptable. The impact on highways was acceptable. The neighbouring amenity seemed to be acceptable. Flooding and drainage was not an issue, and biodiversity and landscape were areas where the proposal excelled. The Chairman commented that when looking on balance there was a great deal in support of the application. Members needed to consider if they were content with applying some flexibility to the principle of development.
55. Councillor Vickers seconded the proposal by Councillor Woollaston. He agreed that all the areas mentioned by the Chairman apart from the principles of development were positive, in particular the area of biodiversity. Councillor Vickers anticipated that there were a number of conditions required and sought advice on this point from officers.

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

56. Councillor Abbs suggested that if the proposal was approved, then a condition should be added to remove any further development rights.
57. Mr Brown went through each of the conditions in detail, which would need to be included if planning permission was granted (listed below and can be listened to here: [Western Area Planning Committee - 18th September 2024](#)).
58. Councillor Woollaston queried if there was an archaeological requirement. Jake Brown confirmed that there had been no request from the archaeological officer for a condition.
59. Councillor Abbs queried if the current EV capacity (65KW) could be maintained. Jake Brown confirmed that this could be added as a condition.
60. Councillor Vickers queried if the development was CIL liable. Jake Brown referred to paragraph 3.5 of the report, which suggested the proposal was CIL liable. This would be formally confirmed by the CIL charging authority.
61. Councillor Gaines referred to the closeness of the site to a listed building and queried if they could be specific about the use of certain materials to ensure they enhanced the listed building. Debra Inston reported that the condition that was being recommended would ensure, once details were submitted, that materials were of high quality and suitable for the site. Debra Inston further recommended a condition be included regarding eaves and fascia details to ensure this consisted of traditional detailing.
62. The Chairman asked officers if a land contamination survey was required in order to protect the interests of West Berkshire Council. Mr Brown confirmed that the site had been reviewed by the Environmental Health Team who had raised no concern regarding contaminated land however, an unexpected contamination condition could be added. If contamination was found an assessment would have to be carried out along with any required remediation.
63. The Chairman invited the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Vickers to grant planning permission, against the officer recommendation set out in the report, for the reasons set out above with the inclusion of the conditions set out by Members and officers (listed below in full). At the vote the motion was carried.

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

| | |
|----|--|
| 1. | The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). |
| 2. | The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: Received 7 November 2023: - Roof Plan, drawing number 001 Rev P0. - Location Plan, Scheme B, drawing number 07 Rev P1. - Ground Floor Plan, drawing number 009 Rev P0. |

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

| | |
|----|--|
| | <ul style="list-style-type: none">- First Floor Plan, drawing number 010 Rev P0.- Proposed Elevations, Scheme B, drawing number 016 Rev P0. <p>Received 20 March 2024:</p> <ul style="list-style-type: none">- Second Floor Plan, drawing number 021 Rev P0.- Sections, Main House and Outbuildings, drawing number 022 Rev P0.- North Barn, Proposed, drawing number 023 Rev P0. <p>Received 4 June 2024:</p> <ul style="list-style-type: none">- Solar PV panels Proposed Plan and Elevations, drawing number 024 Rev P1. <p>Received 20 August 2024:</p> <ul style="list-style-type: none">- Site Plan Proposed, Scheme B, drawing number 08 Rev P4. <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 3. | <p>No development shall take place (including demolition, ground works, and vegetation clearance) until a Demolition and Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Environmental Management Plan shall include the following:</p> <ul style="list-style-type: none">(a) Risk assessment of potentially damaging construction activities.(b) Identification of "biodiversity protection zones".(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).(d) The location and timing of sensitive works to avoid harm to biodiversity features.(e) The times during demolition and construction when specialist ecologists need to be present on site to oversee works.(f) Responsible persons and lines of communication.(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.(h) Use of protective fences, exclusion barriers and warning signs.(i) The parking of vehicles of site operatives and visitors.(j) Loading and unloading of plant and materials.(k) Storage of plant and materials used in constructing the development.(l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing.(m) Temporary access arrangements to the site, and any temporary hard standing;(n) Wheel washing facilities. |

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

| | |
|----|--|
| | <p>(o) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;</p> <p>(p) A scheme for recycling/disposing of waste resulting from demolition and construction works;</p> <p>(q) Details of how surface water will be managed and contained within the site during demolition and construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site.</p> <p>Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, existing biodiversity within the site and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the Demolition and Construction Environmental Management Plan must be adhered to during all demolition and construction operations.</p> |
| 4. | <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012. Any ground Protection shall be in accordance with paragraph 6.2.3.3. of the same British Standard.</p> <p>All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority.</p> <p>No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> |
| 5. | <p>No development shall take place until an updated ecology survey has been undertaken and a report submitted to and approved in writing by the Local Planning Authority. The survey shall be undertaken no more than one month prior to the commencement of development. The report shall detail the</p> |

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

| | |
|----|---|
| | <p>methods, results and a discussion on the survey, and include recommendation measures for any working practices or other mitigation measures.</p> <p>Reason: To ensure that any working practices or other mitigation measures are informed by up-to-date survey information in the interests of protecting species. A pre1commencement condition is required for updated surveys given the mobile nature of protected species. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p> |
| 6. | <p>No development shall take place until details of existing and proposed ground levels and finished floor levels of the buildings, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land and impact on the character of the area and heritage assets. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).</p> |
| 7. | <p>No development other than site clearance and demolition of the existing building 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.</p> <p>These details shall:</p> <ul style="list-style-type: none"> 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 re1use; b) Include full information of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development; c) Include attenuation measures to retain rainfall run-off within the site; d) 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; e) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change; f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site; g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, |

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

| | |
|----|---|
| | <p>watercourse or drain;</p> <p>h) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system;</p> <p>i) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises.</p> <p>The development hereby approved shall not be brought into first use until a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), has been submitted to and approved in writing by the Local Planning Authority. This report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out, in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> |
| 8. | <p>No above ground development shall take place until a schedule of all materials and finishes visible external to the buildings 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 upon request. All materials incorporated in the work shall match the approved schedule and samples.</p> <p>Reason: To ensure that the materials are appropriate to the character of the area and heritage assets. 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>No works shall take place on the construction of the roof until full details of the eaves and fascia, at a minimum scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Thereafter the development shall incorporate and be undertaken in</p> |

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

| | |
|-----|--|
| | <p>accordance with the approved details.</p> <p>Reason: To protect the character and appearance of the Conservation Area. 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>No above ground development shall take place until a schedule of all hard surfacing materials 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 upon request. All materials incorporated in the work shall match the approved schedule and samples.</p> <p>Reason: To ensure that the hard surface materials are appropriate to the character of the area and heritage assets. 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> |
| 11. | <p>No new external doors and windows shall be fitted to the new dwelling until working drawings (scale 1:20, 1:10, 1:5, half or full size etc.) fully detailing the new windows and external doors (cross sections for full glazing bars, sills, heads, window/door reveals 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 are sympathetic to the special architectural and historic interest of the heritage assets and to ensure a satisfactory appearance to the development. 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> |
| 12. | <p>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> <p>(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.</p> <p>(b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>(c) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</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: To ensure the conservation and enhancement of the biodiversity assets of the site and to conserve the dark night skies of the North Wessex</p> |

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

| | |
|-----|---|
| | <p>Downs National Landscape. 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, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |
| 13. | <p>The development hereby permitted shall not be occupied until the Tawny Owl Box, 10 bat boxes, and 10 dormouse boxes have been installed in accordance with details shown on the submitted Site Improvements Plan, drawing number C101.E received on 4 June 2024.</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> |
| 14. | <p>No dwelling shall be first occupied until a detailed soft landscaping scheme for the application site and land within the ownership of the applicant as denoted by the blue line shown on Whole Site - red and blue outlines Plan, drawing number C101.C received on 4 June 2024, 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).</p> <p>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> |
| 15. | <p>The development hereby approved shall not be brought in first use until the surfacing of the access has been completed in accordance with details of the surfacing arrangements that have first been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the accesses for a distance of 5 metres measured back from the carriageway edge.</p> <p>Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p> |
| 16. | <p>The development hereby approved shall not be brought in first use until vehicle parking and turning spaces have been completed in accordance with the approved plans (including any surfacing arrangements and marking out).</p> |

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

| | |
|-----|---|
| | <p>Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring 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> |
| 17. | <p>The dwelling hereby approved shall not be first occupied until details of the electric vehicle charging point have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p> |
| 18. | <p>All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (AE Ecology, November 2022), Preliminary Ecological Appraisal (Windrush Ecology, 22 September 2023), Biodiversity Net Gain Assessment (Windrush Ecology, 15 September 2023), and the Landscape and Ecology Management Plan (October 2023), with the exception of the proposed new pond.</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.</p> |
| 19. | <p>The dwelling hereby approved shall be constructed in accordance with the Energy and Sustainability Statement produced by Green & Castle dated 29 September 2023 and received on 7 November 2023.</p> <p>Reason: To ensure the delivery of adequate renewables and low/zero carbon on-site energy generation, reduce the impact on climate change, contribute to the reduction of CO2 and other emissions. This condition is imposed pursuant to the National Planning Policy Framework, Policy CS14 and CS15 of the West Berkshire Core Strategy 2006-2026, and the West Berkshire Environment Strategy 2020-2030.</p> |
| | <p>No demolition or construction works shall take place outside the following hours:</p> <p>7:30am to 6:00pm Mondays to Fridays;</p> <p>8:30am to 1:00pm Saturdays;</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p> |
| 21. | <p>If any previously unidentified contaminated land is found during demolition and construction activities, it shall be reported immediately in writing to the</p> |

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

| | |
|-----|---|
| | <p>Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall 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. The remediation scheme shall ensure 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. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.</p> <p>Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. 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).</p> |
| 22. | <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</p> <p>Schedule 2, Part 1, Classes A and E of that Order shall be carried out to the houses approved, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To prevent the spread of development within the site located in the interests of respecting the character and appearance of the surrounding area and heritage assets. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p> |
| 23. | <p>The curtilage of the new residential dwelling is limited to the area as shown on Site Plan Proposed, Scheme B, drawing number 08 Rev P4 received on 20 August 2024 only.</p> <p>The land outside of the residential curtilage shall remain in agricultural use.</p> <p>Reason: To protect the character and appearance of the area and heritage assets. This condition is imposed in accordance with Policies C1 and C3 of the HSA DPD as well as Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026)</p> |

(3) Application No. and Parish: 24/01602/REG4 - Northcroft Leisure Centre, Northcroft Lane, Newbury

64. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 24/01602/REG4 in respect of proposed new single storey entrance, lobby

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

and canopy. New entrance façade cladding, new door/window openings and new roof top plant.

65. 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 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.
66. The Chairman asked Mr Paul Goddard if he had any observations relating to the application and it was noted that Highways Officers had no objections to the proposals.
67. In accordance with the Council's Constitution, David Harmon, Town Council representative, and Mr Nick Steele and Mr Tom Westerman, objectors, addressed the Committee on this application.

Parish/Town Council Representation

68. Mr Harmon addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - 18th September 2024](#)

Member Questions to the Parish/Town Council

69. Members did not have any questions of clarification.

Objector Representation

70. Mr Steele addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - 18th September 2024](#)

71. Due to Mr Westerman's request to speak being received after the deadline, the Committee voted to suspend standing orders to allow Mr Westerman to speak.

72. Mr Westerman addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - 18th September 2024](#)

Member Questions to the Objector

73. Members asked questions of clarification and were given the following responses:
 - There were approximately a dozen participants in the squash league, which was without any investment from the franchise holder to sustain those numbers.
 - The Local Authority should provide affordable access to squash courts, and Newbury Town Council also raised strong objections to the removal of the courts.

Planning Officer statement

74. Ms Debra Inston addressed the Committee and objectors regarding planning policy and of the limitations of the Committee regarding these policies. Debra Inston referred to section 55 of the Planning Act, which stated what development was and what the considerations were for determination in a planning application. The development of land could be change of use however, this did not include the operation of the interior of a building unless it was listed. Replacing the internal squash courts with sports studios would be classed as an internal operation, which would not require planning permission. The application for consideration was purely for external works to the building.

75. Standing orders were resumed.

Member Questions to Officers

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

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

- Ms Inston stated that the planning application was not regarding internal changes, and the squash courts were only mentioned in the presentation in relation to the objections that had been raised. The objections raised by the objectors were not planning considerations.

Continuation of meeting

77. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(3).

Debate

78. Councillor Abbs opened the debate by stating that in his view squash courts were an amenity. He understood that this could not be considered as part of the application but wished to see the loss of the squash courts picked up by West Berkshire and sympathised with the points raised by the objectors.

79. Councillor Hooker reiterated that it was not for the Committee to consider, as the squash courts were internal, and the application being considered by the Committee was regarding the foyer on the front of the building.

80. Councillor Woollaston supported the points raised by Councillor Abbs regarding the squash courts and proposed for the issue to be raised at the next Executive or Council meeting.

81. Councillor Foot noted that it had been made clear by Officers that the application did not pertain to the internal functions of the Leisure Centre, which were not a planning matter. He stated he had been in regular contact with the squash playing community and although he understood it was not the appropriate setting for him to make a statement, if Members wanted clarification on the matter, in light of his portfolio responsibilities, he would be happy to provide this. Councillor Woollaston noted the point and it was agreed that matter should be raised at a meeting of the Executive.

82. Councillor Gaines supported the application and felt the canopy would enhance the site. Councillor Gaines proposed the application be approved in line with the officer recommendation. Councillor Vickers seconded the proposal.

83. Councillor Vickers noted the opportunity for a management plan as it was a live facility, in order to ensure that the developer took account of existing users of the facility, as it would not close during the works. Councillor Vickers questioned whether there was an appropriate planning condition for a working facility. Ms Inston advised Members that it would not be reasonable to put on such a condition because the application was for minor external changes and enhancement, and it was covered by other legislation.

84. Councillor Hooker noted that on the site visit the possibility of permeable paving had been discussed but he believed officers had advised that there was no need for it to be permeable. Councillor Vickers suggested for transparency that this be noted in the minutes. Ms Inston stated that the SuDS Officer had raised no objections to the application, however the Committee could add a condition requiring details of the surfacing, as the application stated black and grey pavers, and further details could be ascertained by a hard surfacing condition. Members agreed that this should be included.

85. The Chairman invited Members of the Committee to vote on the proposal by Councillor Gaines, seconded by Councillor Vickers, to grant planning permission

WESTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2024 - MINUTES

subject to the conditions listed in the main report and an additional condition requiring details of surfacing. At the vote, the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions in the report and additional condition set out below regarding hard surface materials.

| | |
|----|--|
| 5. | <p>Hard Surface Materials No above ground development shall take place until a schedule of all hard surfacing materials 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 schedule and samples.</p> <p>Reason: To ensure that the materials are appropriate to the Conservation Area. 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> |
|----|--|

(The meeting commenced at 6.30 pm and closed at 9.55 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|----------|----------------------------|-------------------------------|--|
| (1) | 24/01755/FUL | 23 rd October 2024 | Part retrospective change of use of land to mixed ancillary residential use with agricultural use, remodelling of land levels and rebuild of stables to an agricultural store. Land adjacent Twistle Cottage, Long Lane, Shaw. Mr Simpson. |

¹ Extension of time agreed with applicant until 22nd November 2024

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SIO155RD0S100>

| | |
|--|---|
| Recommendation Summary: | The Development Manager be authorised to GRANT conditional planning permission. |
| Ward Member(s): | Councillor Amirtharaj |
| Reason for Committee Determination: | Called in by Cllr Amirtharaj if the recommendation is to approve. |
| Committee Site Visit: | 14 th November 2024. |

Contact Officer Details

| | |
|-------------------|--|
| Name: | Michael Butler |
| Job Title: | Principal Planning Officer |
| Tel No: | 01635 519111 |
| Email: | Michael.butler@westberks.gov.uk |

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the change of use of land to a 'mixed agricultural and ancillary residential use'. To clarify the land until 2006 was used for the grazing of ponies for personal use, but since then any use has been abandoned. If approved the use of the land would be attached to the occupiers of Twistle Cottage lying to the west of the site. The application is part retrospective since some remodelling of the land on the site has already occurred.
- 1.3 The site in question was formerly the rail line serving Newbury to the north but was disused in 1976. It was then sold onto a private individual. The site visit will show that to the north of the site are the remains of the overbridge rail deck of an existing access running beneath. It is proposed as part of this scheme to re-use an existing vehicle access immediately to the east of the bridge abutment, with new gates set back and a small area of hardstanding for vehicle parking, turning area.
- 1.4 As part of the scheme the present land on the site will be remodelled to ensure it becomes flatter and more manageable for future use/maintenance. In addition, a dilapidated set of stables to the south boundary of the site are to be demolished and rebuilt as a modest agricultural store, for machinery to be stored safely on site.
- 1.5 The application site is rectangular in shape and lies outside any defined settlement boundary in the Local Plan. As such it lies in the open countryside in policy terms, albeit the site is very well screened to all sides by existing mature vegetation, the rail bridge and existing rear gardens.

2. Planning History

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

| Application | Proposal | Decision / Date |
|--------------|---|-----------------|
| 74/01980/ADD | Construction of an agricultural dwelling. Refused and dismissed at appeal. | 1975 and 1976 |
| 91/39424/ADD | Construction of 2 loose boxes and stables. | Approved 1991. |

- 2.2 According to the confidential statement of truth submitted with the application by the previous owner of the site, the site has not been in any beneficial use post 2004.

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 notice was displayed on the 25th September 2024, with a deadline for representations of the 16th October 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). There are no implications under CIL for this application.
- 3.5 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.6 **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.

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.

| | |
|------------------------------|--|
| Shaw Parish Council | Part object, part no objections. Object on the basis that how can the proposed use be a mixed one? This is unsatisfactory as the site lies in the countryside so should be agricultural alone. Also worried about the proposed access and levels changes. However, no objection to the agricultural store as such. |
| WBC Highways: | No objections but ask for more details on the proposed traffic movements to and from the site. This has been provided. No objections now raised. |
| Environmental Health. | Some concerns that the site may be contaminated so condition to be attached regarding unforeseen land contamination should that arise during the levelling process. Otherwise a working hours condition to be applied. Plus a CMS to be applied. |

| | |
|-----------------------|--|
| Archaeologist. | A form of recording of the bridge to the north would be helpful. More information requested. Photos of site submitted. The archaeologist considers no further recording condition is needed. |
| SUDS | No objections raised. The site lies in flood zone 1 and is less than 1ha in extent. |
| Tree officer | No objections raised. Whilst some low category trees are to be felled this can be mitigated by additional planting on site. Condition the arboricultural impact assessment. |
| Ecologist. | Views awaited on the Preliminary Ecological Assessment submitted. In terms of BNG this is accepted. Conditional permission is recommended. |

Public representations

4.2 Representations have been received from 4 contributors, 2 of which support the application and 2 of which object.

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:

4.4 Objection:

- The site lies outside the settlement boundary and should remain as agricultural only.
- It will impact on amenity.
- Worried about land contamination and the levelling proposed.
- No justification for the new access and gates into the site. However, do not object to the new agricultural store.
- Concern about the structural integrity of the bridge deck with the proximity of the access works to the deck supporting wall.

4.5 Supporter:

- Will prevent future development of the land for residential development.
- Makes use of the amenity of the land for an orchard and other horticultural activities.
- Will restore the very broken-down stables with a new build of the same design to be used as a store.

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, CS13, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy C8 of the Housing Site Allocations Development Plan Document 2017 (HSA DPD).

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

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

5.3 The main issues for consideration in this application are:

- Principle of the development
- Ecology and Trees
- Other issues

6. Appraisal

Principle of Development

6.1 Policy C8 in the HSADPD relates to application for the extension of residential curtilages in the countryside and sets out the following:

“Extensions to existing residential curtilages will only be permitted where it can be shown that there is no adverse impact on the character and local distinctiveness of the rural area, the setting of the property within the wider landscape or encroachment on the rural area, public footpaths and on the amenity of local residents.

Proposals will be considered where:

- It is required to provide parking in the interests of highway safety;*
- To realign a garden boundary or extend a garden to achieve a similar level of provision to other dwellings in the immediate area.*

Applications must be accompanied by details showing that:

- The boundary treatment of the extended curtilage is appropriate for the site and its rural surroundings.*
- All new hard surfacing, ground moulding or landscaping are in character with the surrounding area.*
- The forming of any new entrances or gateways, complete with visibility splays, do not result in the significant loss of landscape features or harm the character of the rural highway”.*

6.2 The case officer considers that the application site, whilst rural in nature, is very well screened from all directions and physically well contained.

6.3 The site is sandwiched between the residential curtilages of properties along Long Lane to the north-west and Sandymead House to the south-east.

6.4 No public footpaths adjoin the application site.

6.5 Accordingly, given these physical factors, it is considered that the use of the land at least in part as an extended curtilage to Twistle Cottage is acceptable as any visual impact or impact on local amenity will be small. In any event, should the Committee elect to

approve the application one condition strongly recommended to be attached will be the removal of all permitted domestic permitted development rights in the GPDO of 2015, so that future building/structures on the site will be fully controlled.

- 6.6 In relation to criterion1 [parking on site] this is not required as there is already parking within the existing curtilage of Twistle Cottage.
- 6.7 In relation to criterion 2 [realignment of garden boundary] it is noted that in comparison to many of the other dwellings surrounding the application site, their curtilages are much more expansive: for example, Sandymead House. So, whilst the garden extension is not required per se for amenity reasons, if the application is approved the new garden area would achieve a similar level of provision to other dwellings in the immediate area in accordance with Policy C8.
- 6.8 In terms of boundary treatments, these are considered appropriate to the local area and consist largely of natural vegetation and post and rails fencing.
- 6.9 Policy C8 specifically identifies whether any proposed new ground moulding and surfacing is acceptable. The site visit will show that the site is presently unattractive, with uneven ground for no purpose. The re-modelling of levels should both assist local drainage and improve the appearance of the site. The proposed new hardstanding to the north is considered to be a modest area in relation to the whole site, about 5% in total. Details of the hardstanding are required by condition to ensure that the materials used are appropriate to the rural character.
- 6.10 Finally, highways have raised no objections to the new access given the low vehicle flows on the access road [not adopted but private], the low speeds given the poor surface, and the fact that it is single carriageway.
- 6.11 Elevational details of the proposed new gates and brick piers are to be conditioned to ensure that they are appropriate to the rural character of the area.
- 6.12 To conclude, it is considered that the application conforms to the advice in policy C8 of the WBCS, and so is acceptable in principle.

Ecology and Trees

- 6.13 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance.
- 6.14 Development which may harm, either directly or indirectly,
- a) locally designated sites (Local Wildlife Sites and Local Geological Sites), or
 - b) habitats or species of principal importance for the purpose of conserving biodiversity, or
 - c) the integrity or continuity of landscape features of major importance for wild flora and fauna

will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that

outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.

- 6.15 Policies CS14 and CS18 are also relevant seeking the proposals enhancing biodiversity, opportunities for landscaping and the protection of green infrastructure.
- 6.16 The application has been accompanied by a Biodiversity Net Gain Assessment and a Preliminary Ecological Assessment. The Council's Ecologist has assessed both documents and has raised no objections subject to appropriate conditions.
- 6.17 An Arboricultural Impact Assessment has been submitted containing both an Arboricultural Method Statement and tree protection measures. The Tree Officer is satisfied with the assessment and the mitigation/protection measures proposed and therefore raises no objections.
- 6.18 Accordingly, the application complies with Policies CS14, CS17 and CS18.

Other issues

- 6.19 Firstly, the reason for the Committee call-in notes that the land is being developed into a car park, this is not correct. Only a small portion will be on the northern perimeter. Secondly the matter about the structural integrity of the bridge deck will be a civil matter for the applicant, should any problems arise on site when and if construction of the access begins. Thirdly, just because an application lies outside a settlement boundary does not mean no future development can occur, indeed, all of the built-up area of Shaw along this part of Long Lane lies in the countryside in policy terms. Fourthly, one objector has raised issues over the easements and deeds pertaining on the site which note it should remain agricultural. However, it is important to note that planning permission does not override existing restrictive covenants. Such matters are therefore civil matters between the relevant parties.
- 6.20 Issues have been raised about the potential for confusion between the description of the application, and the actual intended future use should the application be granted permission. In planning law it is possible to have mixed uses relating to land parcels such as this. It does not automatically make the scheme a sui generis use [use class of its own]. In this instance, whilst the officers have considered the application against the C8 criteria, it is still possible for e.g. sheep grazing to persist on the site in conjunction with the domestic use. The question remains as to whether, if permitted, actual harm will arise in planning terms, and in the light of this report, officers believe little, if any, harm will be caused. Therefore, the officers have not sought to alter the description of the application and indeed the applicant cannot be obliged to do so.

7. Planning Balance and Conclusion

- 7.1 The application has much to commend it. It will create a beneficial use of an unattractive and underused site, with little physical or visual/environmental harm arising.
- 7.2 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.

7.3 Full Recommendation

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

Conditions

| | |
|----|--|
| 1. | <p>Commencement of development</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>Approved plans</p> <p>The development hereby approved must be carried out in strict accord with the following approved plans.</p> <p>Location plan-UK maps -RG14 2TQ Proposed site plan-24022-PL102A Proposed agricultural store-24022-PL103.</p> <p>Reason. To clarify the permission.</p> |
| 3 | <p>CMS</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none">(a) A site set-up plan during the works;(b) Parking of vehicles of site operatives and visitors;(c) Loading and unloading of plant and materials;(d) Storage of plant and materials used in constructing the development;(e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;(f) Temporary access arrangements to the site, and any temporary hard-standing;(g) Wheel washing facilities;(h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;(i) A scheme for recycling/disposing of waste resulting from demolition and construction works;(j) Hours of construction and demolition work;(k) Hours of deliveries and preferred haulage routes; <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-</p> |

| | |
|---|---|
| | <p>commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p> |
| 4 | <p>Hours of working</p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p> |
| 5 | <p>Contaminated land</p> <p>If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall 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. The remediation scheme shall ensure 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. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, [the development shall not be occupied] until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.</p> <p>Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p> |
| 6 | <p>Removal of pd rights</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 buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.</p> <p>Reason: To control the development of the site visually in accord with policy ADPP1 of the West Berkshire Core Strategy (2006-2026)</p> |

| | |
|----|---|
| 7 | <p>Pd rights-fencing</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 gates, fences, walls or other means of enclosure which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be erected, constructed, or materially altered without planning permission being granted by the Local Planning Authority on an application made for that purpose. This restriction excludes any development expressly permitted by this permission, and does not prevent repairs or replacements (in full or in part) that do not materially affect the external appearance of any gate, fence, wall or other means of enclosure.</p> <p>Reason: To prevent the erection of such development which may have an adverse impact on the rural character and appearance of the area, or fail to conserve the open landscape 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), Quality Design SPD (June 2006).</p> |
| 8 | <p>Arboricultural Impact Assessment</p> <p>The development shall be carried out in accordance with the Arboricultural works and tree protection measures identified in the Arboricultural Impact 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 CS18 and CS19 of the WBCS 2006 to 2026.</p> |
| 9 | <p>Ecology</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in 'Preliminary ecological appraisal report' (August 2024, Collington Winter) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</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.</p> |
| 10 | <p>BNG</p> <p>The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:</p> <p>(1) a non-technical summary;</p> |

| | |
|----|--|
| | <p>(2) the roles and responsibilities of the people or organisation(s) delivering the HMMP;</p> <p>(3) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;</p> <p>(4) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and</p> <p>(5) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,</p> <p>The details provided in relation to point (e) shall ensure that, as a minimum, monitoring takes place in 2 years, 5 years, 10 years, 15 years, 20 years, 25 years, 30 years following completion of the development. For the purposes of this condition, completion of development shall be taken as the 'erection of a replacement agricultural store', and the change of use of the land in question.</p> <p>No operation shall take place until:</p> <p>(6) the habitat creation and enhancement works set out in the approved HMMP have been completed; and</p> <p>(7) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>Notice in writing shall be given to the Council when the:</p> <p>(8) HMMP has been implemented; and</p> <p>(9) habitat creation and enhancement works as set out in the HMMP have been completed.</p> <p>The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.</p> <p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.</p> <p>Where monitoring identifies the required habitat condition is not being maintained in accordance with the Biodiversity Gain Plan, the submission to the Local Planning Authority shall include any necessary remedial measures, and thereafter any such measures shall be carried out within a timescale agreed with the Local Planning Authority. Supplemental reports may be required pursuant to this condition where necessary.</p> <p>Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990. A pre-commencement condition is required because the habitat and management arrangements need to be determined before existing habitats are affected.</p> |
| 11 | <p>Hardstanding</p> <p>No development shall commence until details of the surfacing of the proposed are of hardstanding are submitted to and approved by the Local Planning Authority. The development must be carried out in strict accord with those details and retained on site in perpetuity.</p> <p>Reason. To ensure permeability of the site and safety of vehicle movement is acceptable in accord with policies CS13 and CS16 on the WBCS of 2006 to 2026.</p> |

| | |
|----|--|
| 12 | <p>Gates</p> <p>No development shall commence until elevational details of the proposed new access gates and piers have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accord with the approved details.</p> <p>Reason. To ensure the scheme is not visually harmful in connection with its surrounds in accord with the advice in policy CS14 in the WBCS of 2006 to 2026.</p> |
|----|--|

Informatives

| | |
|----|--|
| 1. | <p>Proactive</p> <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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p> |
| 2. | <p>Compliance with conditions</p> <p>Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.</p> |
| 3. | <p>Pre-conditions</p> <p>Conditions nos. 3, 10, 11 and 12 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.</p> |
| 4. | <p>Compliance with approved drawings</p> <p>Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.</p> |
| 5. | <p>Biodiversity Net Gain</p> <p>BIODIVERSITY NET GAIN</p> |

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

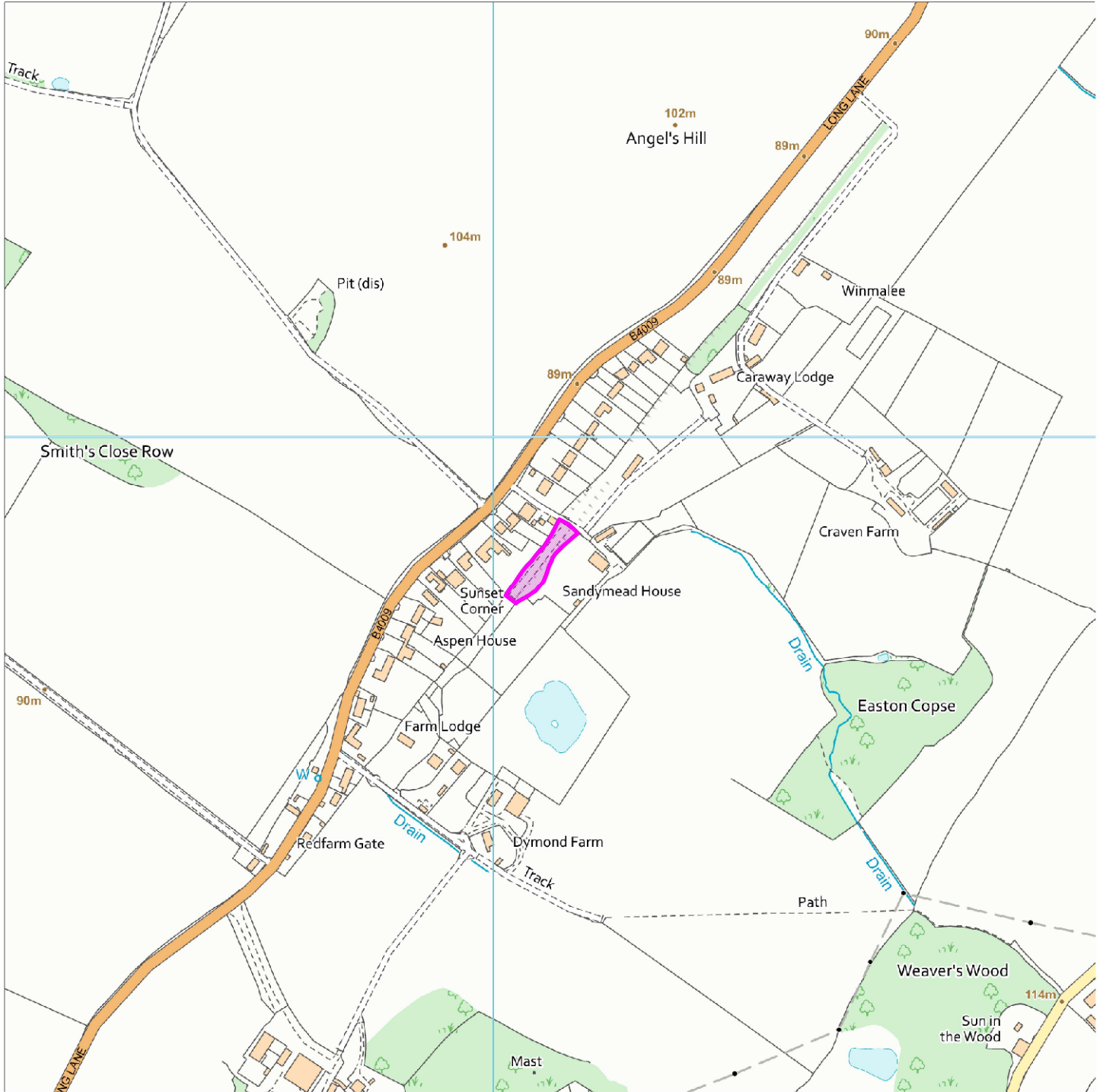
Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

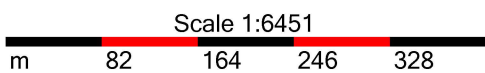


Map Centre Coordinates :

Scale : 1:6451

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 .



| | |
|---------------------|------------------------|
| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 06 November 2024 |
| SLA Number | 0100024151 |

This page is intentionally left blank

Agenda Item 4.(2)

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|----------|-----------------------------|-------------------------------|--|
| (2) | 23/02643/OUTMAJ Greenham | 14 February 2024 ¹ | Outline planning application for up to 9 no. dwellings and all associated works. Matters to be considered Access, Landscaping and Layout. Premier Inn Pinchington Lane Newbury RG14 7HB Whitbread Group PLC |

¹ Extension of time agreed with applicant until 20th February 2025

The application can be viewed on the Council's website at the following link:
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S4FJBKRD09N00>

Recommendation Summary: PROVIDED THAT a Section 106 Agreement 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 Manager to GRANT PLANNING PERMISSION subject to the conditions listed in section 8 of this report (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).
OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in section 8 of this report.

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

Reason for Committee Determination: More than 10 objections received.

Committee Site Visit: 14th November 2024

Contact Officer Details

Name: Jake Brown
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: jake.brown@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks outline planning permission for up to 9 no. dwellings and associated works. The matters to be considered in the determination of this application are Access, Landscaping and Layout. The Appearance and Scale of the development proposed would be dealt with separately under a subsequent reserved matters application should this application be approved.
- 1.3 The application site is approximately 1.6 ha and comprises the established Premier Inn hotel complex which has 113 bedrooms and an in-house restaurant to provide breakfast and evening meals for guests. The hotel is an 'L'-shaped building, which lies towards the west of the site. To the east of the site is a relatively large area of landscaping, with outdoor seating and planting. This area of landscaping previously accommodated a leisure block, which was historically used as a wedding venue and was demolished in 2015.
- 1.4 Car parking for the hotel is currently provided in various locations around the site, including directly to its east and west, but with four areas of parking also to the south. In total, the existing car park provides 117 spaces, including 4 disabled parking bays. Vehicular access to the hotel site is from Pinchington Lane, via The Triangle. Pedestrians can also access the site more directly, via a footpath from Deadmans Lane.
- 1.5 The site has established, mature tree planting and vegetation to all its boundaries. The trees are not protected by Tree Preservation Orders.
- 1.6 The site lies within a mixed-use area to the south of Newbury Town Centre. The site is bounded by commercial uses to its north and east, including a large Tesco Extra superstore and petrol station, and a range of car showrooms. To the south, on the opposite side of Deadmans Lane, is a residential estate. To the west of the application site is the A339, beyond which is Newbury College, Highwood Copse Primary school and a waste recycling centre.
- 1.7 The site is located within Flood Zone 1. The northern and eastern parts of the site are located within areas identified as at risk from surface water flooding in the Council's Strategic Flood Risk Assessment (SFRA).
- 1.8 The application proposes to relocate the existing hotel car park in the southern area of the site to the existing area of landscaped land to the east of the hotel (which was vacated and landscaped when the leisure block was demolished). The existing hotel car park area which lies along the southern boundary of the site will then be redeveloped to provide up to 9 new dwellings (5 no. 4 bed dwellings and 4 no. 3 bed dwellings). The proposed dwellings are to be accessed from Deadmans Lane.

2. Planning History

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

| Application | Proposal | Decision Date / |
|-----------------|--|--|
| 16/01410/COMIND | Erection of two-storey extension to form statement entrance, house new lift and a ground floor only restaurant and bar area | Approved 21/01/2016 |
| 16/02041/NONMAT | Non material Amendment to planning permission 16/01410/COMIND Amendments: Installation of external escape stair on southern-end elevation and conversion of existing internal escape stair to form two additional bedrooms with consequential changes to southern-end elevation. Installation of five roof ventilation "turrets" on roof of single storey extension (new restaurant) | Approved 25/08/2016 |
| 16/02226/COND1 | Application for approval of Condition 3 - Samples of approved application 16/01410/COMIND - Erection of two-storey extension to form statement entrance, house new lift and a ground floor only restaurant and bar area. | Approved 19/09/2016 |
| 16/02715/COND2 | Application for approval of details reserved by Conditions 4 - Soft landscaping, 5 - Surfacing materials and 6 - Lighting of approved application 16/01410/COMIND: Erection of two-storey extension to form statement entrance, house new lift and a ground floor only restaurant and bar area. | Approved 07/12/2016 |
| 16/02818/COMIND | Section 73: Variation of Condition 2: Approved plans of planning permission 16/01410/COMIND: Erection of two-storey extension to form statement entrance, house new lift and a ground floor only restaurant and bar area. | Approved 20/01/2017 |
| 21/00636/OUTMAJ | Outline planning application for up to 9 no. dwellings and all associated works. Matters to be considered Access, Layout and Landscaping. | Refused 30/06/2023 Appeal dismissed 10/10/24 |

2.2 The most relevant planning history for the development proposed is application 21/00636/OUTMAJ. That application sought outline permission for the same quantum of development as is proposed in this current application. It was refused for the following reasons:

1. The proposed layout does not comply with the Local Planning Authority's standards in respect of motor vehicle parking and this could result in on street parking in the vicinity, adversely affecting road safety and the flow of traffic.

As such the proposed development is contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and Policy P1 of the Housing Site Allocations DPD 2006-2026 and the National Planning Policy Framework.

2. The proposed development has not adequately demonstrated that it would conserve or enhance biodiversity, or, maximise opportunities to achieve net gains in biodiversity. Therefore, the application runs contrary to Policies CS14 and CS17 of the Core Strategy and the NPPF.
 3. The application fails to provide an appropriate planning obligation to deliver affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Compliance with Policy C6 through the provision of an affordable home is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to Policy CS6 of the West Berkshire Core Strategy 2006- 2026, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.
- 2.3 During the determination of the appeal the applicant sought to provide amended plans and additional information to address the reasons for refusal. The Inspector permitted the consideration of additional information in respect of reasons for refusal 2 (biodiversity) and 3 (s106 agreement for affordable housing) but considered that the amended plans increasing the number of parking spaces provided in respect of refusal reason 1 represented a substantive change to the scheme considered and consulted on at the application stage. Therefore, the amended plans increasing the provision of parking spaces were not accepted by the Inspector and considered in the determination of the appeal.
- 2.4 The Inspector considered that the main issues in the determination of the appeal were the effect on highway safety and the flow of traffic and the effect on biodiversity. The Inspector concluded that the appeal should be dismissed as overspill parking resulting from the shortfall against parking standards would have an unacceptable effect on highway safety, as well as holding up the flow of traffic to and from nearby dwellings.
- 2.5 A copy of the appeal decision is provided at the end of this report.
- 2.6 The application before Members comprises the information presented to the Inspector at appeal, including the change to the provision of parking.

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 30 November 2023 at locations along Deadmans Lane, with a deadline for representations of 24 December 2023. A public notice was displayed in the Newbury Weekly News on 30 November 2023; with a deadline for representations of 14 December 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. 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 | |
| New Homes Bonus | Yes | No | |
| Affordable Housing | Yes | Yes | 6.55 – 6.61 |
| 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 As the application is made in outline, the likely CIL liability is not known. CIL liability is determined as reserved matters stage.
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB is not considered to be a relevant material consideration in this instance but can be noted for information.
- 3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.11 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.12 **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.
- 3.13 It is acknowledged that there are certain properties where they may be some impact. 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 housing, including affordable housing.
- 3.14 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.

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.

| | |
|---------------------------------------|---|
| Greenham Parish Council: | <p>Objection:</p> <ul style="list-style-type: none"> Major development and not conforming to CS15 "Renewable energy. Major development shall achieve the following minimum reductions in total CO2 emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development, as long as a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable. Issues with access given nature of the existing road and alternative already available through Premier inn Loss of Biodiversity. Large destruction of Trees and no clear demonstration of how a gain of 1.1 in biodiversity will be made. |
| Adjacent Newbury Town Council: | <p>Objection:</p> <ul style="list-style-type: none"> It will create additional traffic hazards on Deadman's Lane. The removal of an historic boundary of trees which also act as a sound barrier. No provision for refuse collection at the entrance to the private road. Inadequate car parking arrangements. Inadequate provision for emergency vehicles. |
| WBC Highways: | No objections subject to conditions. |
| WBC LLFA: | No objections subject to a condition to secure sustainable drainage measures. |
| WBC Archaeologist: | No objections. |
| WBC Tree Officer: | No objections subject to conditions to secure landscaping, tree protection and arboricultural method statement. |
| WBC Minerals and Waste Team: | No objections. |
| WBC Environmental Health: | The application site is located on the site of an existing hotel, adjacent to the A339 road, and south and west of a Tesco Superstore and approximately 60m north-east of the recycling centre. The development could be adversely affected by road noise from these sources. A Noise Impact Assessment is required to consider the potential impact of these sources and whether this impacts on the proposed site layout, building design and any |

| | |
|--|--|
| | <p>mitigation that may be deemed necessary. The Noise Impact Assessment should be submitted prior to determination or application refused due to lack of information.</p> <p>In respect of construction noise and activities, request conditions restricting hours of work and dust mitigation measures.</p> <p>Conditions also requested to address potential contaminated land given the proposed residential use of the site.</p> <p>No concerns in respect of odour, air quality or external lighting.</p> |
| WBC Ecologist (1st Response): | Ecological appraisal is out of date. Updated appraisal required. |
| WBC Ecologist (2nd response following submission of additional information): | No objections subject to conditions to secure: Construction and Environmental Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP), Protection of Breeding Birds During Construction, Lighting Design Strategy for light sensitive biodiversity, Biodiversity Measures, and further Ecological Surveys if development does not commence within 18 months of decision. |
| WBC Economic Development Team: | No objections. |
| WBC Conservation and Design Officer: | No response received. |
| WBC Environment Delivery Team: | No response received. |
| WBC Waste Services: | No response received. |
| WBC Transport Policy: | No response received. |
| Environment Agency: | Do not wish to be consulted. |
| Active Travel England: | No comment to make. |
| Natural England: | No response received. |
| Southern Electric: | No response received. |
| Berkshire Newt Officer: | No response received. |

| | |
|---|-----------------------|
| SPOKES: | No response received. |
| Thames Water: | No response received. |
| Royal Berkshire Fire and Rescue: | No response received. |
| Thames Valley Police: | No response received. |

Public representations

4.2 Representations have been received from 32 contributors, all 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:

- Impact on highways from additional traffic particularly during school rush and evening.
- Deadman's Lane is narrow and has a blind bend
- Impact on safe access to park, school and neighbouring facilities.
- Impact on highway safety, particularly for pedestrians.
- Insufficient turning area for larger vehicles/refuse trucks and vehicles would reverse onto Deadman's Lane.
- Congestion on single track lane would cause accidents and obstructions including to emergency vehicles.
- Impact on mature trees which provide a sound barrier to road noise for residents in the area.
- Overdevelopment of the site.
- Loss of trees including mature trees and green space.
- Noise impact on existing and future residents from Tesco's including loading bay, generators etc.
- Impact on services in the area including schools and roads due to more housing.
- Lack of parking provision including visitor parking.
- Impact on character of area
- Application does not vary from that previously submitted.
- Impact on biodiversity and protected species/habitats.
- Lack of engagement with community.
- Lack of space for bin collection such that bins would have to be placed on Deadman's Lane for collection obstructing the highway.
- Swept path plans are incorrect and vehicles would not be able to reverse out of the driveways without obstructing vehicles on the road where there is little forward visibility.
- Risk of flooding.
- Proposed garden areas are too small.
- Light impact on residents from Tesco and Hotel due to loss of trees.
- Construction traffic would block road and cause hazard to pedestrians, particularly school children.
- Vehicle access to new houses should be via the hotel entrance.

- No information regarding foul sewage provided.
- No need for new housing due to the many houses being built in the area.
- Application does not address previous reasons for refusal.
- Difference in ground levels between the hotel car park and Deadman's Lane.
- Lack of information regarding surface water drainage given the ongoing problem from flooding after heavy rain.
- Deadman's Lane should be widened as part of the development.
- Construction vehicles should use the hotel vehicle entrance.
- Lack of footpath proposed.

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, CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy 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).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems (SuDS) SPD (2018)
- Cycle and Motorcycle Advice and Standards for New Development (2014)
- Local Transport Plan for West Berkshire 2011-2026
- Manual for Streets
- West Berkshire Landscape Character Assessment (2019).

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Design, Character and Appearance
- Neighbouring Amenity
- Impact on Future Occupiers
- Highway Matters
- Flooding and Drainage
- Biodiversity
- Impact on Trees
- Sustainable Construction
- Affordable Housing

Principle of Development

- 6.2 Policies ADPP1 and ADPP2 set out the spatial strategy for development within the district and focuses new development and residential development within and adjacent to the existing settlement boundaries and says that the focus for the majority of the development will be within the urban area such as Newbury.
- 6.3 Therefore, the proposal for a residential development of up to 9 houses within the Newbury settlement, together with the associated changes to the hotel parking areas is considered to be acceptable in principle.

Design, Character and Appearance

- 6.4 This application is an outline application seeking approval of access, layout and landscaping only at this stage. Therefore, the scale and appearance of the proposed development are matters reserved to be considered at a later date, through subsequent reserved matters applications, should the outline application be approved.
- 6.5 Policies CS14 and CS19 of the Core Strategy require new development to demonstrate high quality and sustainable design which respects and enhances the character and appearance of the area. The policy goes on to state that good design relates to the way a development functions, and that the considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.6 The proposed parking layout to the east of the hotel would have little impact on the character and appearance of the area as that part of the site is well screened from the public realm at present and limited views only would be possible once the proposal is fully developed.
- 6.7 The proposed parking area to the east of the hotel would remove a large existing grassed area. The proposed housing would also result in the loss of a significant amount of existing vegetation is to be removed, comprising scrub and shrubs as well as 15 trees, 3 areas of hedgerow and 7 groups of trees, 13 of which are classed as low quality and value, and 12 moderate quality and value. None of the trees within the site proposed to be removed have been identified as trees of high quality.
- 6.8 The submitted landscaping masterplan proposes 77 new trees to be planted as part of the development, 25 within the remaining grounds of the hotel and 52 to the northern and southern boundaries of the area to be developed for housing. New mixed native hedgerow is also proposed to the northern boundary of the proposed gardens as well as along sections of the southern boundary fronting Deadmans Lane. Ornamental and mixed native hedgerow is also proposed to the front of the hotel, bordering the proposed new car parking areas.
- 6.9 It is acknowledged that the loss of the existing vegetation within the application site and development of the site for up to 9 dwellings would change the street scene of Deadmans Lane and character and appearance of the area. However, the introduction of up to 9 dwellings adjacent to an area already occupied by housing, together with the landscaping proposed, is not considered to harm the character and appearance of the area. The proposed and retained landscaping together with the layout of the proposed dwellings, is considered to provide a reasonable transition to the edge of the existing residential area.
- 6.10 Whilst the appearance and scale of the proposed dwellings would be considered in a subsequent reserved matters application, an indicative street scene and front elevation

has been provided. These show that the dwellings may be up to three storeys in height, with rooms within the roof.

- 6.11 The indicative appearance submitted would not be considered out of place with the residential development to the south, demonstrating that the appearance of up to 9 dwellings could be achieved, subject to detailed approval, without harming the character and appearance of the area.
- 6.12 It is acknowledged that the land on which the proposed dwellings are to be located is at a higher level than the road, ranging between approximately 1-1.5 metres. Very limited details of the existing or proposed grounds levels, or cross sections of the development in relation to ground levels surrounding the site have been provided. Clearly some engineering works and changes to levels will occur to enable vehicular accesses to the dwellings and level the ground for the dwellings, as well as potentially providing retaining features where levels are reduced adjacent to higher ground.
- 6.13 As such, it is likely that resultant ridge height of the dwellings proposed would be greater than those dwellings to the south which are set below the level of the road, particularly for the indicative three storey dwelling shown on plot 9. Whilst scale is not sought for approval at this stage, the indicative scale details submitted raise concern that the proposed dwellings have the potential to result in an imposing development within the street scene and character and appearance of the area when accounting for the topography to the south of the application site. However, that impact would be assessed at the reserved matters stage together with the appearance of the proposed dwellings to ensure that the proposal does not detrimentally impact on the character and appearance of the area.
- 6.14 In addition, a condition is proposed requiring details of existing and proposed ground and floor levels for the whole development to be approved, to ensure that the development proposed would not detrimentally impact on the character and appearance of the area and street scene.
- 6.15 It is important to note that the Inspector in their consideration of the appeal did not raise any concerns in respect of the impact on the character and appearance of the area from the development proposed.

Neighbouring Amenity

- 6.16 The existing residential dwellings to the south are set at a lower ground level than the application site due to topography. The layout of the proposed dwellings submitted show the following distances between the dwellings proposed and the neighbouring dwellings to the south of the application site:
- Front elevation of plot 1 would be located approximately 21 metres from the front elevation of No. 3 Deadmans Lane.
 - Front elevation of plot 2 would be located approximately 15 metres from the front elevation of No. 2 Deadmans Lane.
 - Front elevation of plot 3 would be located approximately 32 metres from the front elevation of No. 2 Deadmans Lane and approximately 36 metres (at a slight angle) from the front elevation of Bannatyne.
 - Front elevation of plot 4 would be located approximately 31 metres from the side elevation of Bannatyne.
 - Front elevation of plot 5 would be located approximately 31 metres from the side elevation of Bannatyne.
 - Front elevation of plot 6 would be located approximately 28 metres from the front elevation of No. 1 Deadmans Lane.

- Front elevation of plot 7 would be located approximately 28 metres from the front elevation of No. 1 Deadmans Lane.
- Front elevations of plots 8 and 9 would be located approximately 18 metres and 17 metres respectively from the side (blank) elevation of No. 34 Laurel Gardens.
- Front elevation of plot 9 would be located approximately 32 metres (at an angle) from the front elevation of No. 35 Laurel Gardens.

6.17 Due to the distances identified above between the proposed dwellings and existing neighbouring properties, the development proposed is not considered to introduce a significant overbearing impact on the outlook of neighbouring properties.

6.18 In respect of overlooking and loss of privacy, all of the distances between the front elevations of the proposed dwellings and the elevations of existing neighbouring dwellings with openings, except for one, meet or exceed 21 metres.

6.19 In the instance where the front elevation of one proposed dwelling (plot 2) is less than 21 metres, at 15 metres from the front elevation of No. 2 Deadmans Lane, a degree of overlooking and loss of privacy to that neighbouring elevation already exists given the close nature and level of the front elevation of No. 2 Deadmans Lane below the road, affording some views from users of the road and pavement into that property. Furthermore, the appearance of the front elevation of plot 2 is not for approval at this stage. Detailed design of the appearance (and scale including ground and floor levels) would be established under a separate application for the approval of that reserved matter, should this application be approved. Appropriate design of the proposed dwelling in terms of appearance and scale, including ground and floor levels, to reduce further any potential overlooking and loss of privacy for No. 2 Deadmans Lane can be achieved. In addition, landscaping in the form of trees and hedgerow is proposed across some of the frontage of plot 2, which, once established would further reduce overlooking and loss of privacy to No. 2 Deadmans Lane. Lastly, such window to window distances between the elevations of dwellings fronting a road is not uncommon in the immediate or wider area.

6.20 Therefore, whilst it is acknowledged that there will be some impact on the views from existing neighbouring properties along Deadmans Lane, and in one instance an increased risk of potential overlooking, subject to the detailed design (appearance) to be considered at reserved matters stage the impact on neighbouring amenity in respect of overlooking and loss of privacy is not sufficient to warrant a refusal.

6.21 As the application site is located to the north-west of the existing neighbouring properties, and due to the distances proposed between the proposed and existing dwellings, the development proposed is not considered to result in any detrimental impact in terms of loss of daylight or sunlight.

6.22 Many representations received raise concern regarding the loss of the existing vegetation and resultant impact on the views from neighbouring properties, as well as increased noise from the nearby commercial use. The right to a view is not a material planning consideration. The proposed development of houses would themselves introduce a greater noise barrier than trees and vegetation, particularly in the wintertime when that vegetation is not in leaf. Additional landscaping in the form of trees is also proposed which, once established, will also provide some additional barrier to noise. Furthermore, there is existing separate legislation for the control of noise and the planning process should not seek to duplicate controls that exist under other existing legislation. Lastly, the Environmental Health Officer has not raised any concerns in respect to the potential noise impact from the commercial estate or hotel on existing residents to the south.

- 6.23 In respect of the impact of construction on neighbouring amenity, the Environmental Health Officer has requested a construction hours of work condition and submission of a Construction Method Statement (CMS) by condition. Given the narrow nature of Deadmans Lane, and the potential impact on neighbouring amenity during construction, it is reasonable to include details of the haulage route for construction vehicles to be also required as part of the CMS condition, with the intention that HGVs access the site via the existing hotel access given the size of road and more direct access from the A339 to the site that would offer.
- 6.24 Subject to those conditions, and that construction would take place over a relatively short-term period, it is not considered that the construction of the development proposed would result in a detrimental impact on neighbouring amenity sufficient to warrant a refusal.
- 6.25 The vehicle movements associated with the new development, and the changes to the car parking layout for the hotel, are not considered to introduce any significant impact on neighbouring amenity in terms of noise or air pollution.
- 6.26 It is important to note that the Inspector in their consideration of the appeal did not raise any concerns in respect of the impact on neighbouring amenity from the development proposed.

Impact on Future Occupiers

- 6.27 As noted in the consultation response from the Environmental Health Team, a condition should be imposed should the application be approved, to secure a contaminated land assessment and any necessary remediation to ensure the land is suitable for the proposed residential use.
- 6.28 In addition, the Environmental Health Team raise concern that the future occupiers of the development may experience unacceptable levels of noise from the nearby A339 road, hotel and commercial activities at the nearby Tesco's. As such, the Environmental Health Team request that a noise assessment is undertaken to assess those impact and identify any mitigation measures that would be necessary prior to the application being determined.
- 6.29 It is important to note that the Environmental Health Team did not raise any concerns regarding noise in respect of the previous application, specifically advising that a noise assessment would not be necessary. There has been no material change in circumstances since that response was provided to justify a change in the position of the Environmental Health Team. Furthermore, the Inspector in considering the appeal for that application did not raise any concern regarding the impact on future occupiers from noise.
- 6.30 Whilst the Environmental Health Team request that such an assessment is completed prior to the application being determined, it is considered that the noise assessment and any identified mitigation measures can be adequately secured by planning condition, should the application be approved.
- 6.31 In respect of overlooking and lack of privacy for the proposed dwellings, due to the angles and distances involved from neighbouring properties the proposal is not considered to introduce any significant impact.
- 6.32 In respect of amenity provision for future occupants, Quality Design SPD sets out guidance for garden sizes for 3 and 4 bed dwellings of 100sqm. The submitted layout plan proposes garden sizes in accordance with this guidance for plots 1-8. However, for plots 9 there is an under provision by approximately 25sqm. Nevertheless, the

garden area proposed for plot 9 is not significantly lower than the guidance and would still provide sufficient private amenity space to accommodate features such as garden shed, washing line and other domestic features and provide for the occupants' day to day needs.

- 6.33 It is important to note that the Inspector in their consideration of the appeal did not raise any concerns in respect of the impact on future occupiers from the development proposed.

Highway Matters

- 6.34 Policy P1 of the HSA DPD requires the dwellings proposed to be provided with 2.5 spaces per 3-4 bed dwelling as the appeal site is located within Parking Zone 2. Therefore, for the development proposed 23 (rounded up) vehicle parking spaces are required to be provided in accordance with Policy P1.
- 6.35 As highlighted above, the previous application was refused due to a lack of parking provision contrary to Policy P1 of the HSA DPD. At the appeal for that application the appellant sought to amend that scheme to increase in the number of car parking spaces serving the residential dwellings from 20 to 23. However, the Inspector refused to accept that amendment and the appeal was dismissed due to the lack of parking provision only.
- 6.36 This application includes the amendment to the previous scheme submitted by providing the additional car parking spaces such that 23 parking spaces are proposed, 2 for each dwelling and 5 visitor spaces.
- 6.37 The Highways Officer has reviewed the application and considers the parking provision to be acceptable, as well as the impact on the highway network, accesses proposed and highway safety.
- 6.38 Details regarding construction works, cycle storage and electric vehicle charging points can be adequately secured by planning condition should the application be approved. In addition, provision of the parking spaces proposed, visibility splays and site accesses are also recommended to be secured by planning condition.
- 6.39 Therefore, the proposed development is considered to accord with Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and Policy P1 of the Housing Site Allocations DPD 2006-2026 and the National Planning Policy Framework.

Flooding and Drainage

- 6.40 Policy CS16 of the Core Strategy requires surface water to be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- 6.41 The site is located within Flood Zone 1 (low risk of fluvial flooding). A Flood Risk Assessment and Drainage Strategy report has been submitted which confirms that the site is at low risk from fluvial, ground water and sewage flooding. That assessment proposes permeable paving, soakaways, rain butts and attenuation tanks to be used in the development and discharge would run to an existing surface water sewer.
- 6.42 The LLFA have reviewed the application and raise no objections subject to a condition to secure the precise details of the sustainable drainage systems to be used.
- 6.43 Whilst no response from Thames Water has been received, the applicant has provided copies of correspondence with Thames Water where they confirm there is sufficient foul sewage capacity for the development proposed and raise no objections to the surface

water proposals. It is noted that the Inspector in the appeal did not raise any concerns regarding flooding and drainage and the proposals have not been materially changed from that considered by the Inspector.

6.44 Therefore, the application is considered to accord with Policy CS16 of the Core Strategy subject to the condition proposed in section 8 of the report.

Biodiversity

6.45 The application was submitted prior to the changes in legislation requiring developments to achieve at least 10% net gain in biodiversity. However, Policy CS17 of the Core Strategy states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity.

6.46 The applicant has provided an Ecological Appraisal, Ecology Appraisal addendum and BNG Metric and Assessment. The development proposed would achieve a net gain in biodiversity of 14% and bat boxes, bird boxes, and bee bricks would be installed together with measures to mitigate the impact on biodiversity. That information has been reviewed by the Council's Ecologist who considers that sufficient information has been provided and they raise no objections subject to conditions to secure:

- A Construction and Environmental Management Plan (CEMP).
- A Landscape and Ecological Management Plan (LEMP).
- Protection of Breeding Birds During Construction.
- A Lighting Design Strategy for light sensitive biodiversity.
- Biodiversity Measures.
- Further Ecological Surveys if development does not commence within 18 months of decision.

6.47 Whilst the previous application was refused due to the lack of sufficient information, the appellant provided the same information that has been submitted for this application during the course of the appeal. The Inspector noted that the landscape strategy would include a new, linear belt of tree and hedge planting between the proposed dwellings and the hotel which would re-establish a meaningful and well-connected area of new vegetation, which is likely to be attractive to birds and small mammals. The Inspector also considered that the development would also include garden land, which is itself of some biodiversity value. The Inspector concluded there would be adequate protection of existing habitats and a measurable net gain in biodiversity could be achieved through the proposed landscape strategy and other ecological enhancements such that the effect on biodiversity would be acceptable and there would be no conflict with Policies CS14 and CS17, subject to the above conditions.

6.48 Therefore, it is considered that the impact on biodiversity from the development proposed in this application is acceptable and accords with Policies CS14 and CS17, subject to the above conditions.

Impact on Trees

6.49 As previously highlighted, a significant amount of existing vegetation, comprising scrub and shrubs as well as 15 trees, 3 areas of hedgerow and 7 groups of trees are proposed to be removed as a result of the development.

6.50 The submitted landscaping masterplan proposes 77 new trees to be planted as part of the development, 25 within the remaining grounds of the hotel and 52 to the northern and southern boundaries of the area to be developed for housing.

- 6.51 The Tree Officer has reviewed the application and acknowledges the significant removal of trees but considers the proposed tree planting will mitigate the impact of that tree removal. The Tree Officer has requested a condition to secure landscaping details and an arboricultural method statement and tree protection in accordance with the tree protection plan submitted.
- 6.52 It is important to note that the Inspector in their consideration of the appeal did not raise any concerns in respect of the loss of trees from the development proposed.

Sustainable Construction

- 6.53 Policy CS15 of the Core Strategy requires major development to demonstrate that all of its energy use will be drawn from renewable or zero carbon energy generation on site or in the locality of the development. Whilst the application represents a major application due to the size of the application only as a result of the associated changes to the layout of the hotel site, only 9 dwellings are proposed. An application for 9 dwellings on their own would not normally be considered as a major development and therefore not be required to achieve zero carbon energy generation on site or in the locality of the development. For that reason, the previous application was not refused due to the development not seeking to achieve zero carbon energy generation on site or in the locality of the development and the Inspector did not raise this as an issue at the appeal.
- 6.54 Therefore, in this instance, it is not considered that the proposed development of up to 9 dwellings is required to achieve zero carbon.

Affordable Housing

- 6.55 In accordance with Policy CS6 of the Core Strategy, on sites where 5-9 dwellings are proposed 20% of those dwellings are to be affordable. This would equate to 2 dwellings, one of which would be Social Rent tenure and the other a First Home.
- 6.56 The applicant has confirmed that they are willing to provide the affordable housing units within the development proposed, comprising 2 no. three bed dwellings in plots 8 and 9. Those affordable houses would be secured by a s106 agreement (planning obligation). Should Members accept officer's recommendation, a s106 agreement will need to be completed to adequately secure the provision of on-site affordable housing.
- 6.57 Subject to the affordable housing being adequately secured by planning obligation, the application is considered to accord with Policy CS6 of the Core Strategy and NPPF in respect of affordable housing provision.

6.58 Planning Obligation (s106 agreement)

- 6.59 Core Strategy Policy CS5 seeks to ensure the timely delivery of infrastructure made necessary by development. Policy CS6 seeks to secure affordable housing. The Council's adopted Planning Obligations SPD outlines the Council's approach to securing planning obligations for such matters.
- 6.60 As identified in this report, a planning obligation is required to secure affordable housing. This has been assessed against the CIL Regulations and is considered necessary to make the development acceptable in planning terms, is directly related to the development, and fairly and reasonably related in scale and kind to the development.
- 6.61 The recommendation is therefore subject to completion of a S106 Legal Agreement to secure the affordable housing, in order to ensure the development complies with the aforementioned policies.

7. Planning Balance and Conclusion

- 7.1 As set out in this report, the residential development on this site accords with the Core Strategy Spatial Strategy Policies ADPP1 and ADPP2 and Policy CS1 relating to housing development. Therefore, the residential development of the site is not objected to in principle and has to be supported, but it would have first to be assessed against the requirements of the 'most important' policies to understand whether the proposal is in accordance with the development plan as a whole.
- 7.2 Further to the in-principle acceptability of residential development, as set out in this report, the proposed development (subject to conditions and a planning obligation) is in accordance with the whole suite of Core Strategy Policies namely CS4, CS5, CS6, CS13, CS14, CS15, CS16, CS17, and CS19. These policies are up-to-date and should carry full weight.
- 7.3 Therefore, the proposal is considered to be in accordance with the development plan as a whole and it is not a departure from the adopted plan. As such, this application (subject to conditions and a planning obligation) represents sustainable development for the purposes of the NPPF and the application can be approved without delay in accordance with paragraph 11(c) of the NPPF.

Conclusion

- 7.4 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the application should be determined in accordance with the development plan, unless there are material considerations that indicate otherwise.
- 7.5 There are no material considerations that indicate that the proposal should not be determined in accordance with the Development Plan. The application is considered to adequately address the only reason for the previous appeal being dismissed by the Inspector through the provision of additional parking spaces.
- 7.6 In view of the above this planning application is acceptable and satisfactory and should be granted planning permission subject to conditions and the prior satisfactory completion of a Section 106 Legal Agreement. The proposed resolution includes the ability to refuse the application if the S106 is not completed within a reasonable timeframe.

8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement 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 Manager to GRANT PLANNING PERMISSION subject to the conditions listed below (or minor and inconsequential amendments to those conditions authorised by the Development Manager, in consultation with the Chairman or Vice Chairman of the Western Area Planning Committee).
- 8.2 OR, if a Section 106 Agreement is not completed, to delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Conditions

| | |
|----|--|
| 1. | <p>Approval of Reserved Matters</p> <p>Details of the appearance and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p> |
| 2. | <p>Time Limit for Reserved Matters</p> <p>Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p> |
| 3. | <p>Commencement of Development (outline)</p> <p>The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p> |
| 4. | <p>Approved Plans (for the amended appeal scheme)</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents received on 15 November 2023:</p> <p>Site Location Plan drawing number AP01 Rev P4. Proposed Housing Site Plan drawing number AP03 Rev P9. Proposed Housing Site Block Plan, drawing number AP09 Rev P3. Landscape Masterplan, drawing number 943-MP-01 Rev C. Landscape Strategy – Vegetation Plan, drawing number 943-ST-01 Rev A. Proposed Premier Inn Site Plan drawing number AP07 Rev P2.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 5. | <p>Construction Method Statement</p> <p>No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ol style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Measures to control dust, smell, dirt, noise and other effluvia; (f) Measures to control rats and other vermin; (g) Measures to control surface water run-off during construction; (h) The proposed method of piling for foundations (if any); |

| | |
|----|---|
| | <ul style="list-style-type: none"> (i) A scheme for recycling/disposing of waste resulting from demolition and construction works; (j) How resultant spoil will be dealt with on site; (k) Hours of construction and demolition work; (l) Hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site. <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p> |
| 6. | <p>Construction Environmental Management Plan</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ul style="list-style-type: none"> (a) Mitigation measures in section 6 of the Ecological Appraisal by Aspect Ecology (October 2021). (b) Risk assessment of potentially damaging construction activities. (c) Identification of “biodiversity protection zones”. (d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). (e) The location and timing of sensitive works to avoid harm to biodiversity features. (f) The times during construction when specialist ecologists need to be present on site to oversee works. (g) Responsible persons and lines of communication. (h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. (i) Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and wider area in accordance with Policy CS17 in the West Berkshire Core Strategy (2006 to 2026) and the National Planning Policy Framework. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p> |
| 7. | <p>Contaminated Land</p> <p>No development shall take place until a scheme to deal with contamination at the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall:</p> <ul style="list-style-type: none"> (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 |

| | |
|----|--|
| | <p>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 in accordance with the approved details. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of any remediation scheme.</p> <p>If any previously unidentified land contamination is found during the carrying out of the development, it shall be reported immediately in writing to the Local Planning Authority. Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the Local Planning Authority. Thereafter, any remediation measures shall be carried out in accordance with the approved details.</p> <p>The development shall not be first occupied until all approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.</p> <p>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). A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase.</p> |
| 8. | <p>Ground Levels and Finished Floor Levels</p> <p>No development shall take place until details of existing and proposed ground levels and finished floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land and neighbouring properties. This condition is applied in accordance with the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006). A pre-commencement condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities.</p> |

9. **Sustainable Drainage**

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 and Flood Risk Assessment submitted as part of the Outline Planning Application;
- b) 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 and in the location and depth, plus 1 additional metre, of all proposed infiltration devices to confirm appropriate geology for infiltration across the site;
- c) Include detailed run-off calculations based on current rainfall data models, discharge rates (based on equivalent 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, as appropriate. These calculations should demonstrate hydraulic connectivity between surface water drainage features;
- d) Include detailed information on how long-term storage will be managed and discharged from the site at a restricted rate, no greater than 2l/s/ha;
- e) Include separate and clear catchment plans detailing which areas are draining and discharging to which location and, where applicable, which areas have been included within the Greenfield calculations and Long Term Storage calculations;
- f) Include with any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development;
- g) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- h) Include construction drawings and external levels strategies of the proposed scheme to manage the surface water overland flow route to the north and east of the development site. This should include flood levels, proposed routing and storage, where applicable, alongside Finished Floor Levels of the proposed residential units;
- i) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain;
- j) 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;
- k) Include written confirmation from Thames Water of their acceptance of permeable paving being constructed and installed over a public sewer;
- l) Include written confirmation from Thames Water of their acceptance of the Build Over agreement for the proposed development;
- m) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- n) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;

| | |
|-----|--|
| | <p>o) 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.</p> <p>The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings hereby permitted are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. /The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> |
| 10. | <p>Landscape and Ecological Management Plan (LEMP)</p> <p>No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> (a) Description and evaluation of features to be managed. (b) Ecological trends and constraints on site that might influence management. (c) Aims and objectives of management. (d) Appropriate management options for achieving aims and objectives. (e) Prescriptions for management actions. (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). (g) Details of the body or organization responsible for implementation of the plan. (h) Ongoing monitoring and remedial measures. <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.</p> <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>The approved plan will be implemented in accordance with the approved details.</p> <p>Reason: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 to conserve the biodiversity of the site. A pre-commencement condition is required because details of the LEMP may need to be implemented throughout construction.</p> |

| | |
|-----|--|
| 11. | <p>Arboricultural Method Statement</p> <p>No development (including site clearance and any other preparatory works) until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of 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 National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> |
| 12. | <p>Protection of Breeding Birds During Construction</p> <p>No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to the removal of hedgerows, trees or shrubs.</p> <p>Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p> |
| 13. | <p>Schedule of Materials</p> <p>No construction of the dwellings above foundation level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</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), Supplementary Planning Document Quality Design (June 2006).</p> |
| 14. | <p>Noise</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 a scheme of works that has first been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall be informed by an appropriately detailed investigation to address the noise impacts from nearby commercial/industrial activity in The Triangle including the superstore as well as the nearby waste recycling centre and the A339 road.</p> |

| | |
|-----|---|
| | <p>Reason: To protect future occupiers of the development from excessive noise levels from nearby commercial/industrial activity in The Triangle including the superstore as well as the nearby waste recycling centre and the A339 road, to ensure a good standard of amenity. The approval of this information is required before occupation because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.</p> |
| 15. | <p>Hard Landscaping</p> <p>No dwelling hereby permitted shall be first 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: Landscaping is an integral element of achieving high quality design and insufficient information has been provided with the application. 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> |
| 16. | <p>Soft Landscaping</p> <p>No dwelling hereby permitted shall be first 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 including species, plant sizes and proposed numbers/densities, an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment, 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 a 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 and insufficient information has been provided with the application. 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> |
| 17. | <p>Lighting Design Strategy for Light Sensitive Biodiversity</p> <p>No dwelling shall be first occupied until a “lighting design strategy for biodiversity” has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <p>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</p> |

| | |
|-----|---|
| | <p>or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</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> |
| 18. | <p>Biodiversity Measures</p> <p>No dwelling shall be first occupied until bat/bird boxes and bee bricks have been installed/constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</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> |
| 19. | <p>Cycle Parking/Storage</p> <p>No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p> |
| 20. | <p>Electric Vehicle Charging Points</p> <p>No dwelling shall be first occupied until an electric vehicle charging point for that dwelling has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p> |

| | |
|-----|---|
| 21. | <p>Tree Protection</p> <p>All Tree Protective Fencing shall be erected in accordance with the submitted tree protection plan, reference James Blake Associates drawing number JBA 20/009 TPO01 Rev B dated 21 Sept 2023.</p> <p>The protective fencing shall be implemented and retained intact for the duration of the development.</p> <p>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> |
| 22. | <p>Parking</p> <p>No dwelling shall be first occupied until vehicle parking and turning space have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring of vehicle 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> |
| 23. | <p>Visibility splays</p> <p>No dwelling shall be first occupied until visibility splays at the access onto Deadmans lane have been provided in accordance with drawing number 2018/4463/003 Rev E provided within the Transport Statement by RGP dated September 2023 (ref: WHIT/18/4463/TS01). Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p> |
| 24. | <p>Site Access</p> <p>No dwelling shall be first occupied until the vehicular site access to the dwelling from Deadmans Lane has been completed in accordance with the approved details.</p> <p>Reason: The timely completion of the site accesses is necessary to ensure safe and suitable access for all. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p> |
| 25. | <p>Refuse Storage</p> <p>No dwelling shall be first occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) has been provided for that dwelling in</p> |

| | |
|-----|--|
| | <p>accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).</p> |
| 26. | <p>Ecological Surveys</p> <p>If the development hereby approved is suspended for more than 18 months from the date of this permission, the approved ecological reports shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of protected species and (ii) identify any likely new ecological impacts that might arise from any changes.</p> <p>Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to works recommencing. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.</p> <p>Reason: To ensure the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p> |

Heads of Terms for Section 106 Agreement

| | |
|----|--|
| 1. | <p>Affordable housing</p> <ul style="list-style-type: none"> • On-site provision of 20% affordable housing (2 dwellings) • Tenure: 1 Social Rented dwelling and 1 First Homes dwelling. • All affordable dwellings to be constructed to comply with Part M4(2) of the Building Regulations – ‘accessible and adaptable dwellings’. |
|----|--|

Refusal Reasons

| | |
|----|--|
| 1. | <p>Affordable housing (S106)</p> <p>The application fails to provide an appropriate planning obligation to deliver affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Compliance with Core Strategy Policy C6 through the provision of affordable housing is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to Policy CS6 of the West Berkshire Core Strategy 2006-2026, the Planning</p> |
|----|--|

| | |
|--|--|
| | Obligations Supplementary Planning Document, the National Planning Policy Framework, as well as the relevant policies of the emerging Local Plan Review. |
|--|--|

Informatives

| | |
|----|--|
| 1. | <p>Proactive</p> <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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p> |
| 2. | <p>CIL Liability</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p> |
| 3. | <p>Compliance with conditions</p> <p>Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.</p> |
| 4. | <p>Pre-conditions</p> <p>Conditions nos. 5-11 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.</p> |
| 5. | <p>Compliance with approved drawings</p> <p>Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.</p> |
| 6. | <p>Building Regulations</p> |

| | |
|-----|---|
| | <p>Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control</p> |
| 7. | <p>Health and safety</p> <p>The responsibility and any liability for the safe development of the site rests with the developer and/or landowner. Although the Council has used its best endeavours to determine this application on the basis of the information available to it, this does not mean that the land or adjoining land will necessarily remain free from instability. The Council's consideration has been only on the basis of the development proposed, and these considerations may be different in relation to any other development. The question of stability of adjacent land has been a material planning consideration, and the resolution of this issue for the purposes of granting planning permission does not necessarily imply that the requirements of any other controlling authority would be satisfied and, in particular, the granting of planning permission does not give any warranty for support or stability or against damage of adjoining or nearby properties.</p> |
| 8. | <p>Control of Pollution Act 1974</p> <p>Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application. Relevant information can be found here S.61 Control of Pollution Act 1974</p> |
| 9. | <p>Construction noise</p> <p>The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health. For more information: email ehadvice@westberks.gov.uk, call 01635 519192, or visit http://info.westberks.gov.uk/environmentalhealth.</p> |
| 10. | <p>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> |
| 11. | <p>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> |
| 12. | <p>Legal Agreements</p> |

| | |
|-----|--|
| | <p>This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted once agreement is completed). You are advised to ensure that you have all the necessary documents before development starts on site.</p> |
| 13. | <p>Biodiversity Net Gain</p> <p>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <ol style="list-style-type: none"> 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies. 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and <ol style="list-style-type: none"> (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024. 4. The permission which has been granted is for development which is exempt being: <ol style="list-style-type: none"> 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where: <ol style="list-style-type: none"> i) the application for planning permission was made before 2 April 2024; ii) planning permission is granted which has effect before 2 April 2024; or iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii). |

4.2 Development below the de minimis threshold, meaning development which:
i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:
i) consists of no more than 9 dwellings;
ii) is carried out on a site which has an area no larger than 0.5 hectares; and
iii) consists exclusively of dwellings which are self-built or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is

minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Appeal Decision for Application 21/00636/OUTMAJ



Appeal Decision

Site visit made on 5 September 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2024

Appeal Ref: APP/W0340/W/23/3334321

Premier Inn, Pinchington Lane, Newbury RG19 8XS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Whitbread Group PLC against the decision of West Berkshire District Council.
 - The application Ref is 21/00636/OUTMAJ.
 - The development proposed is described as 'outline planning application for up to 9 no. dwellings and all associated works. Matters to be considered Access, Layout and Landscaping'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline. As originally submitted, it included details of access only, but the application was amended to include details of access, layout and landscaping. I have considered the proposal on that basis and have used the amended description in the banner heading above. As the appearance and scale of the proposed development are reserved for future consideration, I have treated drawings which illustrate proposed external elevations as being indicative.
3. A Unilateral Undertaking (UU) dated 29 May 2024, under section 106 of the Town and Country Planning Act 1990, was provided with the appeal. This makes provision for affordable housing and the Council has confirmed that this addresses the matters raised in the third reason for refusal.
4. Amended plans were provided with the appeal, increasing the number of parking spaces for the proposed dwellings from 20 to 23. Both parties confirm that the same amendments are included in a revised planning application¹, which is undetermined at the time of writing.
5. The Procedural Guide: Planning appeals - England makes clear that the appeal process should not be used to evolve a scheme and that any amended plans provided at appeal stage will be considered against the principles in *Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)*. This requires consideration of whether any substantive changes are proposed and whether any procedural unfairness would arise.

¹ West Berkshire Council application reference 23/02643/OUTMAJ

6. Amongst several smaller changes, the amended layout would alter the siting of the proposed dwelling on plot 1 and would introduce a double width access to serve plots 1 and 2. While this affects only one part of the site, it would be a substantive change within this particular stretch of Deadmans Lane and would change the relationship with the existing properties opposite.
7. I cannot be confident that interested parties, including those living opposite, have noted the amended parking layout. Although I have been provided with copies of representations responding to the revised application up to the date of the Council's Statement of Case, I cannot tell whether any further representations were received after that point. In any case, full details of the revised application are not before me. As such, it is not appropriate for me to rely on representations submitted on that separate application when considering this appeal.
8. Therefore, having applied the principles in the Holborn judgement, I have not taken into account the amended parking layout for 23 spaces, since it would amount to a substantive change to the proposal and there is a risk of procedural unfairness arising.
9. An updated Biodiversity Net Gain (BNG) Assessment was also provided with the appeal. This does not alter the proposed layout or landscaping to any substantive degree. The Council and interested parties have had the opportunity to comment and I have taken it into account. I have also taken into account the appellant's Ecology Addendum dated May 2024. Although this was received at a late stage, the Council has been given the opportunity to respond, with input from its Ecologist. The Addendum responds to a specific point in the Council's Ecology Statement of Case, which is unlikely to influence views already articulated by interested parties regarding the effect on biodiversity. As such, I am satisfied that no procedural unfairness would result to any party as a result of my having considered this additional evidence.

Main Issues

10. The main issues are:

- the effect of the proposal on highway safety and the flow of traffic, having regard to the proposed provision for off-street parking,
- the effect on biodiversity.

Reasons

Highways and Parking

11. The appeal site contains a hotel in landscaped grounds, with car parking in several bays around the edge. Vehicular access is through the adjacent retail park and currently only pedestrian access is available to Deadmans Lane. The proposed dwellings would occupy the existing parking bays along the southern boundary, with replacement hotel parking to be provided in front of the building. They would be accessed from Deadmans Lane; some sharing a central access and private drive and the others having individual driveways.
12. Parking standards for new residential development are set out in Policy P1 of the Housing Site Allocations DPD². Based on the requirements in that policy,

² West Berkshire Council Housing Site Allocations Development Plan Document (2006-2026), adopted 2017

the parties agree that 23 spaces are required. The appellant's transport evidence is based on provision of 23 spaces, as was the Highways Authority's response, which raised no highway safety objection. However, amendments prior to the Council's decision reduced the number of spaces to 20, which would not comply with Policy P1.

13. Although Policy P1 allows for parking that does not accord with the standards in exceptional circumstances, no such circumstances have been proposed. Indeed, the appellant has taken steps to address the shortfall through a revised planning application. However, for reasons given above, that is not the layout upon which I have reached this decision.
14. Deadmans Lane is a generally narrow, quiet road which provides access to several residential streets to the south of the appeal site. It does not accommodate two-way traffic along its full length, although there are some wider sections and passing places. The appellant's Transport Statement reports no records of accidents and traffic speeds appeared relatively low at the time of my site visit. However, there were regular vehicle movements entering and leaving the nearby streets and the houses directly fronting Deadmans Lane. Interested parties also report that the lane is used as a pedestrian route, including by children walking to school.
15. There are no apparent parking restrictions along most of Deadmans Lane, but nor were any vehicles parked on the lane at the time of my site visit. Given the limited width, the introduction of parked cars would be likely to obstruct the flow of traffic and could limit visibility for drivers entering and exiting the proposed development or negotiating the narrow sections of lane while seeking to pass oncoming traffic safely. As such, overspill parking resulting from the shortfall against parking standards would have an unacceptable effect on highway safety, as well as holding up the flow of traffic to and from nearby dwellings.
16. For the above reasons, I conclude that the proposal would be unacceptably harmful to highway safety and the flow of traffic, having regard to the proposed provision for off-street parking. It conflicts with relevant requirements in Policy P1, as summarised above. It also conflicts with Policy CS13 of the Core Strategy³, which amongst other things requires that development improves and promotes opportunities for safe travel, and with paragraph 115 of the Framework which indicates that development may be refused where it would have an unacceptable impact on highway safety.

Biodiversity

17. Policies CS14 and CS17 of the Core Strategy require amongst other things that development should provide, conserve and enhance biodiversity and create linkages between green spaces and wildlife corridors. Policy CS17 also includes a requirement that all new development should maximise opportunities to achieve net gains in biodiversity.
18. The hotel grounds include maintained lawns with decorative planting, various parcels of amenity grassland and tree and shrub belts around the perimeter. The proposed dwellings would reduce and fragment the belt of trees and vegetation along Deadmans Lane. This would undermine the benefit from that

³ West Berkshire Council Core Strategy (2006-2026), adopted 2012

particular habitat on the site, which is overlooked and valued by nearby residents. However, the landscape strategy would include a new, linear belt of tree and hedge planting between the proposed dwellings and the hotel. While this would not provide similar screening along Deadmans Lane, it would re-establish a meaningful and well-connected area of new vegetation, which is likely to be attractive to birds and small mammals. The development would also include garden land, which is itself of some biodiversity value.

19. Relevant protected species surveys are included in the 2021 Ecological Appraisal⁴ (EA). Appropriate mitigation measures are proposed, including measures to avoid disturbance of nesting birds and maintain connected habitat for foraging/commuting bats. Although the EA is now over three years old, it was updated in 2024. This update is not before me, but both parties confirm that it shows there have been no substantive changes in habitats or protected species present on the site. Furthermore, at the time of my site visit, those features likely to be of biodiversity value appeared substantially as described in the 2021 EA. The May 2024 Ecology Addendum addresses the omission of the hotel car park area from the original surveys and the updated Biodiversity Net Gain Assessment addresses previous flaws in methodology and concludes that a measurable biodiversity net gain would be achieved.
20. Following consideration of the appellant's ecological evidence in full, the Council has confirmed that the matters raised in the second reason for refusal could be adequately addressed through the imposition of conditions. These would encompass submission, approval and compliance with a Construction and Environmental Management Plan and Landscape and Ecological Management Plan, maintenance of up-to-date ecological evidence to inform the detailed proposals, measures to protect nesting birds, appropriate forms of external lighting and installation of bird/bat boxes and bee bricks.
21. Subject to the above conditions, based on the evidence before me, I am satisfied that there would be adequate protection of existing habitats and that a measurable net gain in biodiversity could be achieved through the proposed landscape strategy and other ecological enhancements. I therefore conclude that the effect on biodiversity would be acceptable and there would be no conflict with Policies CS14 and CS17, as summarised above. Nor would the proposal conflict with relevant paragraphs in the Framework, including the requirement in paragraph 180 that development should minimise impacts on and provide net gains for biodiversity.

Other Matters

22. On sites providing 5 to 9 dwellings, Policy CS6 of the Core Strategy requires affordable housing provision at a rate of 20% and the Planning Obligations SPD⁵ elaborates on how that requirement should be implemented. While the Framework says that affordable housing provision should not be sought for residential developments that are not major developments, the proposal is defined as a major development based on the appeal site area, so the requirements in Policy CS6 are applicable.
23. The UU makes provision for two affordable dwellings, one being available for social rent and the other a First Home. This is broadly in line with tenure

⁴ Aspect Ecology Ltd Ecological Appraisal October 2021

⁵ West Berkshire Council Planning Obligations Supplementary Planning Document 2014

requirements in Policy CS6 and the SPD, given subsequent national changes to the definition of affordable housing. The Council has confirmed that the UU is acceptable and would be sufficient to secure the appropriate provision of affordable housing, and I agree. I am furthermore satisfied that the UU meets the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. That being the case, the proposal would contribute to the supply of affordable housing, as well as to the supply of housing in more general terms.

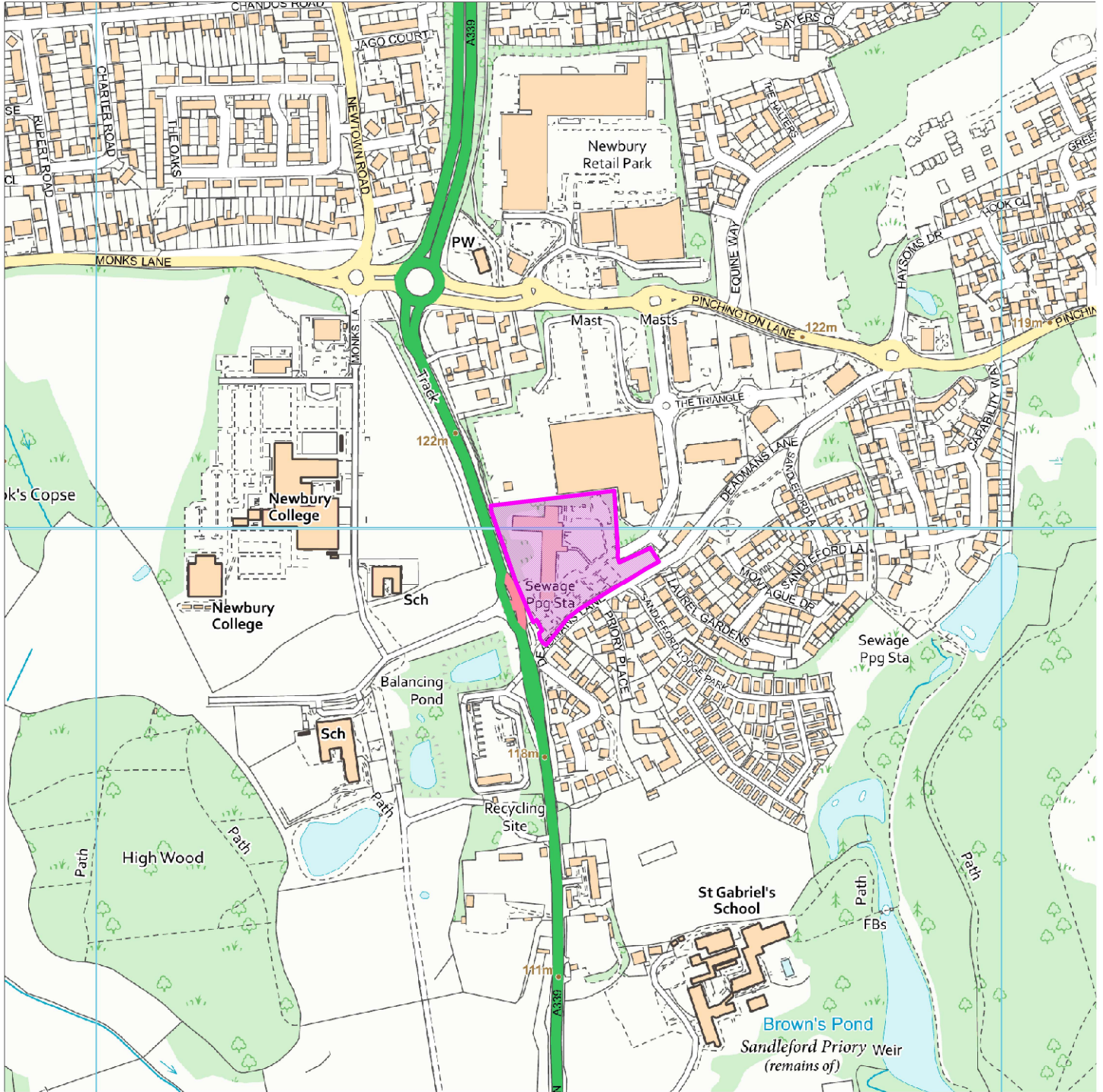
24. The appeal site is in an urban area which is the focus for the majority of development, as set out in Core Strategy Area Delivery Plan Policy 1. There are services and facilities within walking distance, as well as access to public transport. Family sized housing is proposed, which is supported in Core Strategy Policy CS4, outside town centres. While both parties indicate that there is no shortfall in the Council's required housing land supply, the proposal would contribute to the windfall component of projected supply and would make more efficient use of a previously developed site.
25. Land to the south of the appeal site is within the Sandford Priory Grade II Registered Park, the significance of which relates to its design by Lancelot 'Capability' Brown. However, the adjacent part of the Registered Park has been developed with modern housing. The listed buildings at Sandford Priory are some distance beyond that housing, and consequently have no visual or functional relationship with the appeal site. No harm to heritage assets was alleged by the Council. Based on the evidence before me I concur that the setting and significance of relevant heritage assets would be preserved.
26. The Council has not alleged any harm to the character and appearance of the area and relevant requirements for energy efficiency, electric vehicle charging, cycle storage, drainage and noise insulation could be addressed through conditions. However, these are neutral factors which weigh neither for nor against the proposal.
27. The benefits arising from the delivery of additional housing, including affordable housing, would be at the expense of safe conditions on the highway, affecting future residents of the proposed dwellings and those living nearby. Furthermore, similar benefits could potentially be achieved through an alternative layout, addressing this outstanding matter. Against that background, while I recognise the benefits of the proposal, as summarised above, they do not outweigh the harm arising from the shortfall in parking.

Conclusion

28. The proposed development would conflict with the development plan. No other material considerations indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR



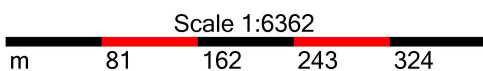
Map Centre Coordinates :

Scale : 1:6362

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 .

| | |
|---------------------|------------------------|
| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 06 November 2024 |
| SLA Number | 0100024151 |



This page is intentionally left blank

Agenda Item 4.(3)

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|----------|---|------------------------------|---|
| (3) | 23/02536/FULMAJ Cold Ash Parish Council | 9 February 2024 ¹ | <p>Section 73 - Vary condition 2 (Approved plans) of approved application 21/03154/COMIND: Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.</p> <p>Land West Of Heath Lane and North Of Bowling Green Road, Thatcham</p> <p>West Berkshire Council</p> |

¹ Extension of time agreed with applicant until 27TH November 2024

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

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S3RA14RD0MN00>

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

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

Reason for Committee Determination: West Berkshire Council major application.

Committee Site Visit: 14th November 2024

Contact Officer Details

Name: Jake Brown
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Jake.brown@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission under Section 73A of the Town and Country Planning Act for the removal or variation of conditions following grant of Planning Permission 21/03154/COMIND - Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.
- 1.2 The previous permission granted was for a new detention basin on agricultural land to the north of Bowling Green Road which will provide approximately 2750m³ of flood water storage. That scheme also involved the realignment of an existing ditch for 12m into the proposed basin which will convey more extreme flows into the detention basin. The works also involve embankments with a maximum height of 0.7m and a small section of the existing watercourse was to be infilled to accommodate the bypass flow control structure.
- 1.3 The previous application granted also sought permission for the removal of spoil from this site which was to be deposited on the identified adjoining land and land north of another Flood Alleviation Scheme at Tull Way. Those areas were identified on the location plan accompanying that application. The overall objective was to reuse most of the excavated material within the site, however, this was dependent on its suitability. If excavated material was to be taken off site, the material would be spread at Tull Way Flood Alleviation Scheme (FAS) to a depth of 0.3m. The preference was for as much of the spoil to be reused on site or deposited on the adjoining land to reduce vehicle movements. Suitable puddle clay material excavated from this site was also proposed to be stockpiled separately and later utilised on another separate nearby flood alleviation scheme (Memorial Fields FAS) as an impermeable liner for that proposed detention basin. The original strategy involved a surplus volume material of 11,744m³. It was proposed that 5,580 m³ would be retained and spread over an area of approximately 18,600m² on the adjoining land to this Bowling Green Road FAS to a depth of 0.15m-0.3m with the remaining stockpiled temporarily for use at Memorial Field FAS.
- 1.4 Following further soil tests and volume calculations it was concluded that there was not a sufficient volume or quality of material to accommodate the requirements for Memorial Field (FAS). Additional spoil from the Heath Lane FAS also needed to be deposited. As a result, a total of 10,600m³ of surplus material was identified to be stored permanently on this site at Bowling Green Road FAS.
- 1.5 Therefore, this s73A application seeks to vary condition 2 of permission 21/03154/COMIND to alter the previously approved arrangements for spoil to be deposited within the land adjacent to the Bowling Green Road FAS. Whereas the previously approved spoil scheme would have resulted in approximately 5,580 m³ of spoil to be spread over an area of 18,600m² increasing the ground level to a depth of 0.15-0.3m, permission is now sought for the deposition of approximately 10,600m³ of spoil on the adjacent land over a reduced area of 13,900m² but to an increased depth of 0.75m (comprising 0.6m of clay and 0.15m of top soil). The area over which spoil has been spread has been reduced from the approved design to allow for a new proposed cut off ditch around the soil spreading site for which permission is also sought.

- 1.6 The new cut off ditch runs along the bottom edge of the land upon which spoil is deposited and is required to ensure that additional sediment and surface water is collected in the intervening period while the grass on the spoil site grows.
- 1.7 Amended plans and additional information was received during the consideration of the application to provide clarification regarding highway movements, archaeological watching brief, supervision of works affecting trees, the design of the cutoff ditch and additional section plans of the spoil deposition areas.
- 1.8 In addition, during the consideration of the application the applicant confirmed that the proposed access track through the application site, and associated gated access onto the neighbouring land, is also to be amended such that the track would terminate at the fence line further south than was approved with a turning area and the gate moved accordingly. Plans detailing this change were submitted during the consideration of the application and reconsulted on. However, permission for the change to the proposed access track through the application site and associated gated access onto the neighbouring land was also sought under a separate non-material amendment application, 24/01876/NONMAT, which was approved on 10th October 2024.

2. Planning History

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

| Application | Proposal | Decision / Date |
|-----------------|---|--|
| 21/03154/COMIND | Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way. | Approved 08/06/2022 by Western Area Planning Committee on 01/06/2022 |
| 22/02679/COND | Approval of details reserved by Condition No. 7 First Part (Archaeological Supervision), 11 (CEMP) and 12 (LEMP) of Approved Application 21/03154/COMIND: Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the | Approved 13/01/2023 |

| | | |
|-----------------|---|--------------------------------|
| | <p>existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.</p> | |
| 22/02744/COND | <p>Approval of details reserved by Conditions 5 (Tree protection for spoil disposal) and 8 (Construction method statement) of Approved Application 21/03154/COMIND: Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.</p> | <p>Approved 17/01/2023</p> |
| 24/01876/NONMAT | <p>Non Material amendment application to planning application 21/03154/COMIND: Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil</p> | <p>Approved 10/10/24</p> |

| | | |
|--|--|--|
| | on adjoining land and land north of Tull Way. Amendment: Extension of the netpave in the northeast portion of the site and relocation of the field gate. | |
|--|--|--|

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Town and Country Planning (Environmental Impact Assessment) Regulations 2017: The development falls within the description of development in Schedule 2, Column 1, paragraph 10 (i) Dams and other installations designed to hold water or store it on a long-term basis. The development is not located within an environmentally sensitive area however it exceeds the relevant thresholds in Column 2 as the site area is greater than 1 ha. A screening opinion was carried out on the 11th May 2022 for the development previously approved. This confirmed that, taking into account the selection criteria in Schedule 3, the proposal is not considered to be EIA development. The proposed variation of condition 2 of permission 21/03154/COMIND to amend the approved scheme has also been screened and is not considered to be EIA development.
- 3.2 **Publicity:** Site notices displayed on 17 November 2023 attached to the fence at the front of the site and a lamppost opposite the site; the deadline for representations expired on 24 December 2023. A public notice was displayed in the Newbury Weekly News on 23 November 2023; the deadline for representations expired on 7 December 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. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the development. All new dwellings are CIL liable and as such CIL will be charged on this scheme. The relevant forms have been completed by the applicant and CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil.
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 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 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.

4. Consultation

Statutory and non-statutory consultation

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

| | |
|---------------------------------|---|
| Cold Ash Parish Council: | No response received. |
| Thatcham Town Council: | Not considered. |
| WBC Highways: | It would seem that soil is being moved around within the site to provide different contours to that originally envisaged. However can confirmation be provided that there will not be any change in |

| | |
|---|--|
| | the number of vehicles especially larger ones entering or leaving the site during construction? |
| WBC Archaeologist: | Earth-moving, recontouring and the creation of haul roads all have the potential to have an impact on archaeological features. There was an archaeological condition attached to 21/03154/COMIND for monitoring of groundworks, and though I visited the site a few months ago I haven't yet received a report. I would be grateful if the applicants could follow this up with the contractors, and also provide some additional assessment on whether there are surviving archaeological earthworks within the application area. |
| WBC Tree Officer: | The additional spoil spreading seems to be proposed for the middle and northern parts of the site. These are away from existing trees. Therefore, my comments are as per 21/03154/COMIND. I would be grateful if it could be confirmed that Arb supervision has been taking place, given works have been underway for some time. |
| Lead Local Flood Authority (LLFA): | No response received. |
| WBC Ecologist: | No response received. |

AMENDMENTS RESPONSES

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

| | |
|---|---|
| Cold Ash Parish Council: | No objections, request that reports submitted are verified as independent and accurate. |
| Thatcham Town Council: | No response received. |
| WBC Highways: | No objections. |
| WBC Archaeologist: | No objections. |
| WBC Tree Officer: | No objections. |
| Lead Local Flood Authority (LLFA): | No objections. |
| WBC Ecologist: | No response received. |

FURTHER AMENDMENTS RESPONSES

- 4.3 The table below summarises the consultation responses received during the consideration of the application following the second set of amendments submitted comprising the change to the internal track termination point and gated access onto neighbouring land. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

| | |
|---------------------------------|----------------------------|
| Cold Ash Parish Council: | No objections – unanimous. |
| Thatcham Town Council: | No response received. |
| WBC Archaeologist: | No further comment. |
| WBC Ecologist: | No response received. |

Public representations

- 4.4 Representations have been received from 1 contributor objecting to the proposal.
- 4.5 The full response 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:
- Impact on neighbouring amenity.
 - Updated hydrogeological and ecological reports required.
 - Proposal is contrary to all previous assurances made by West Berks Council regarding spoil deposition.
 - Impacts the skyline and hydrology of the area.
 - Expect 2022 Amended Soil Deposition Plan to be adhered to and all excess soil is removed off site and disposed of appropriately.
 - Current levels of deposition are well in excess of the 0.75m being proposed.
 - Run-off is increased from the development.
 - The use of NetPave introduces plastic paving to the environment in an area which was natural meadow habitat.
 - Work continued in breach of the previous permission and additional spoil created.
 - No reason for the relocation of the track and gate and track should only be used by the Council and Thames Water with access for the landowner restricted to agricultural vehicles and no use for future housing.

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, ADPP3, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

- Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies CAP1, CAP2, CAP3, CAP5, CAP6, CAP7, CAP8 of the Cold Ash Neighbourhood Development 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)
- WBC Sustainable Drainage Systems SPD (2018)
- Cold Ash and Ashmore Green Village Design Statement.

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highway Matters
- Biodiversity
- Archaeology
- Trees
- Flooding and Drainage

Principle of Development

6.2 The principle of the development proposed is acceptable, as established under the previous permission granted, 21/03154/COMIND.

Character and Appearance

6.3 The parts of the site where the changes in ground levels have been made are visible but limited, comprising views between vegetation for a short section along Bowling Green Road, at the access point onto Bowling Green Road, and for short sections from the public right of way (COLD/15/1) located to the northwest of the application site.

6.4 The ground upon which the spoil is to be deposited would still to be planted with grass. Whilst limited parts of the site are seen, it is not considered that the proposed change in ground levels upon that previously approved is readily discernible from the public realm.

6.5 In respect of the proposed new cut off ditch, that ditch is 1.5 metres wide and 0.5 metres deep and runs along the bottom edges of the areas upon which spoil is spread. One section of the proposed cut off ditch starts at the western boundary and run southwards, the outfall of which drains into the basin via a land drain. The other section of the proposed cut off ditch runs from the north-eastern corner of the site southwards and then westward to the basin via a land drain.

6.6 No part of the proposed cut off ditch is visible from the public realm. Therefore, that additional engineering work is not considered have any significant impact on the landscape or character of the area.

- 6.7 In respect of the additional change to the positioning of the gate and track through the site with a turning area, that amendment has already been approved under the non-material amendment application 24/01876/NONMAT as it was considered that the changes were minor when considering the landscaping scheme as a whole and there is no net loss of new planting.
- 6.8 In conclusion, the proposal complies with Policy CS14 and CS19 of the Core Strategy and the guidance within the NPPF.

Neighbouring Amenity

- 6.9 Whilst the proposed change in ground levels and introduction of cut off ditches are visible from neighbouring properties, in particular Henwick Old Farm, those are not considered to have introduced any significant impact upon that previously approved.
- 6.10 A representation received raises concern regarding the impact on the skyline. The change to the ground levels previously approved tie into the existing ground level at the top edges of the fields such that there is no significant impact in terms of the skyline.
- 6.11 The representation also raises concern regarding the hydrological and ecological impacts from the changes proposed upon that previously approved. Those matters are considered below.
- 6.12 To the east of the site is the Regency Hotel. No significant impact on the amenity of that neighbouring property is introduced from the change in the spreading of spoil.
- 6.13 In conclusion, it is not considered that the amended change to the spreading of spoil or relocation of the track and gate has an adverse impact on the amenity of neighbouring occupiers or land users and as such the proposal is considered to accord with policy CS14 of the Core Strategy and the guidance within the NPPF.

Highway Matters

- 6.14 Policy CS13 of the Core Strategy seeks to ensure that new development does not have a negative impact on the local transport network. The change to the deposition of spoil has resulted in more of the spoil generated from the Bowling Green FAS being retained within the site rather than being transported to one of the other FAS sites, thereby reducing the number of vehicle movements.
- 6.15 The development is completed aside from completing the installation of the track and gate at the time of writing this report, and no objections have been raised by the Highway Authority.
- 6.16 Therefore, the proposed amendments to the previously approved scheme are considered to accord with Policy CS13 of the Core Strategy and the guidance within the NPPF.

Biodiversity

- 6.17 As part of the submissions for the previously approved scheme ecological assessments including an assessment of the ground upon which spoil was to be deposited were provided. The proposed amendments are not considered to alter the conclusions of those assessments. The soil that is spread would still be planted with grass as per the previous permission to achieve the net gain in biodiversity established under the previous application. The relocated gate and track would result in no reduction of the planting of the track, as confirmed in the recent non-material amendment application

approved. The previously approved LEMP and CEMP required to successfully mitigate the impact on any species which may be present would remain in place.

- 6.18 In conclusion, the proposals accord with Policy CS17 of the Core Strategy and the guidance within the NPPF.

Archaeology

- 6.19 The previous application was supported by a heritage desk-based assessment and geophysical survey and was granted subject to a condition requiring the commissioning of a programme of archaeological supervision (watching brief) during the groundworks.
- 6.20 Details of that archaeological supervision were approved under application 22/02679/COND and a condition attached to this permission would maintain that supervision.
- 6.21 Following further information from the applicant, the Archaeologist has raised no objections.

Trees

- 6.22 The proposed amendments are located outside of the established tree protection zones. Arboricultural works and supervision were secured by condition for the previous permission and the proposed amendments do not alter those.
- 6.23 Subject to conditions, no objections are raised by the Tree Officer.

Flooding and Drainage

- 6.24 The proposed amendments are not considered to introduce any significant impacts in respect of flooding and drainage. The proposed changes to ground levels are not considered to alter the topography of the ground significantly from that previously approved, as shown on the plans submitted. The introduction of cut off ditches would improve upon the scheme previously granted which did not have such features to specifically address the surface water and sediment run-off from the spoil areas during the time that it would take for the grass to grow, when runoff may be increased. Those cut off ditches will also provide additional retention and divert surface water runoff from the parts of the site where soil is located to the basin, thereby protecting the amenity of Henwick Old Farm further.
- 6.25 As advised for the previously approved scheme, the basin and associated culverts and ditches will be maintained and managed accordingly as they are within the control of West Berkshire Council as the Lead Local Flood Authority (LLFA).
- 6.26 The LLFA have raised no objections to the application. Therefore, the application is considered to accord with Policy CS16 of the Core Strategy.

7. Planning Balance and Conclusion

- 7.1 In conclusion, the proposed amendments to the previously approved scheme are not considered to introduce any significant impact on the character and appearance of the area, neighbouring amenity, highways, ecology, trees or flooding. The proposals will deliver a significant social benefit in terms of providing essential flood protection measures to properties within Thatcham which are currently vulnerable to flooding. This subsequently has significant economic benefits to residents and businesses.

7.2 Therefore, the proposals comply with the policies in the Core Strategy and the guidance within the NPPF and as such the application is recommended for approval subject to conditions.

7.3 The conditions attached to the original planning permission that are relevant to the remaining works to be undertaken at the site are proposed to be imposed in this new amended planning permission, should Members resolve to approve the application

8. Full Recommendation

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

Conditions

| | |
|----|--|
| 1. | <p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Received 3 December 2021:</p> <p>Bowling Green Road Basin Red Line Boundary 2005290-002F Proposed Earthworks Cut and Fill Volumes 2005290-007 Flood Alleviation Access Road Construction Details 2005290-017 Bund and Swale Construction Details Sheet 1 of 2 2005290-018 Bund and Swale Construction Details Sheet 2 of 2 2005290-019 Thatcham Flood Defence by Cotswold Archaeology August 2021 Arboricultural Implications Report by SJA Trees Nov 2021 Flood Risk Assessment by Ardent December 2021 Geotechnical Interpretative report by Geo-Environmental November 2021 Landscape Appraisal, proposed Landscape Scheme, Planting Details and Landscape management and Maintenance Plan by Liz Allen, Nov 2021 Ecology Assessment by Derek Finnie Associates, November 2021</p> <p>Received 20 December 2021:</p> <p>Flow Control Structure Details 2005290-012A Tree Removal Plan 2005290-14A Arboricultural Implications Report Addendum by SJA Trees Dec 2021</p> <p>Received 8 March 2022:</p> <p>Trial Pit Location Plan 2005290-004B</p> <p>Received 31 October 2022:</p> <p>Written Scheme of Investigation for an Archaeological Watching Brief by Cotswold Archaeology CA Project: AN0579 dated September 2022. Construction and Environmental Management Plan (CEMP) North and East Thatcham FAS reference: CE-MF-2169-RP02 FINAL Rev2 dated 10th January 2023 by Crestwood Environmental Ltd. E-mail from G Hardwick from Ardent dated 06/01/2023 15:57 detailing some amendments to the CEMP</p> <p>Received 4 November 2022:</p> <p>SJA Tree Protection Plan ref TPP 22280-01 dated Oct 2022</p> |
|----|--|

| | |
|----|--|
| | <p>West Berkshire Council Construction Method Statement North and East Thatcham FAS Site Compound Layout plan number 2005301-028</p> <p>Received 12 January 2023: Landscape Ecology Management Plan by Derek Finnie Associates ref: DFA21089V4, dated October 2022</p> <p>Received 10 May 2024: Bowling Green Road Soil Spreading Strategy Contours Plan, drawing number 2005291-603 Rev P4 (excluding the track and gate). Bowling Green Road Revised Soil Spreading Strategy Plan, drawing number 2005291-604 Rev P2 (excluding the track and gate). Bowling Green Road Revised Soil Spreading Strategy, drawing number 2005291-605 (excluding the track and gate). Flood Risk Assessment Addendum, ref: LE/2005291/LPA dated 12 April 2024.</p> <p>Received 6 September 2024: General Arrangement Plan, drawing number 2005290-001 Rev C6.</p> <p>Received 14 October 2024: Landscape Proposals, drawing number 01-09A/2021-22/WB/LAEPLA – Rev C</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p> |
| 2. | <p>Landscaping</p> <p>All landscape works shall be completed in accordance with the submitted plans, reference drawing numbers 01-09A/2021-22/WB/LAEPLA – Rev C received 14 October 2024.</p> <p>The approved landscaping plan shall be implemented within the first planting season following completion of development.</p> <p>Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development 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: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p> |
| 3. | <p>Access Visibility</p> <p>The visibility splays at the access shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times</p> <p>Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p> |

| | |
|----|--|
| 4. | <p>Landscape and Ecological Management Plan</p> <p>The development and site shall be managed and maintained at all times in accordance with the Landscape and Ecological Management Plan (LEMP) by Derek Finnie Associates (ref: DFA21089V4, dated October 2022) received on 12 January 2023.</p> <p>Reason: The condition is needed to ensure the biodiversity enhancements are maintained and managed to deliver long term benefits. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p> |
| 6. | <p>Construction Hours of Work</p> <p>No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; No work shall be carried out at any time on Saturdays, Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p> |

Informatives

| | |
|----|--|
| 1. | <p>Proactive</p> <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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.</p> |
| 2. | <p>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p> |
| 3. | <p>Biodiversity Net Gain</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> |

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

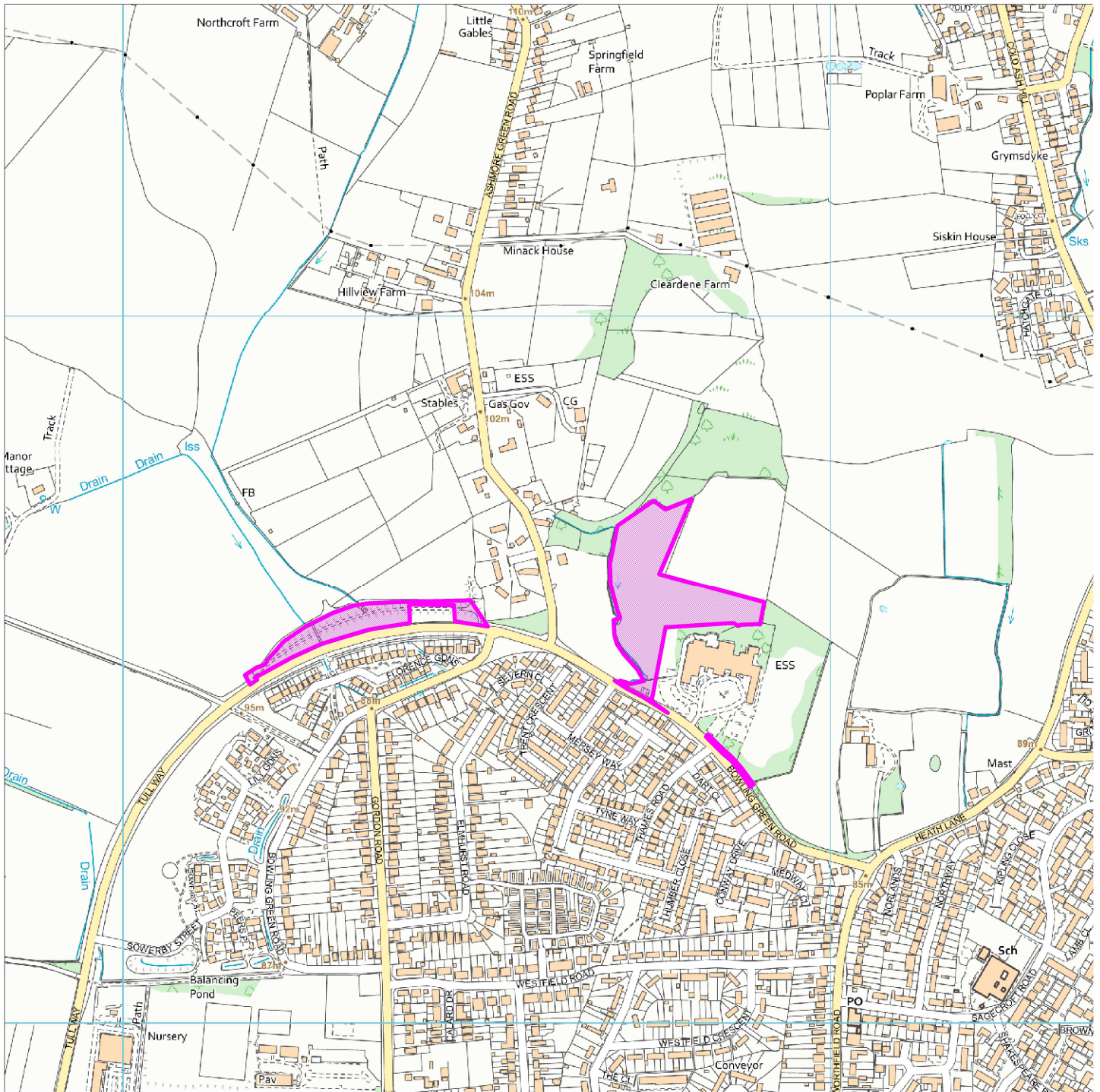
PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

This page is intentionally left blank

Land West of Heath Land and North Of Bowling Green Road, Thatcham



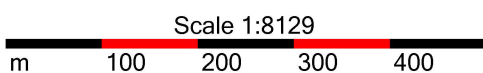
Map Centre Coordinates :

Scale : 1:8128

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 .

| | |
|---------------------|------------------------|
| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 06 November 2024 |
| SLA Number | 0100024151 |



This page is intentionally left blank