

# DRAFT

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

## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY 19 MARCH 2025

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

**Also Present:** Paul Goddard (Team Leader - Highways Development Control), Alistair Buckley (Senior Minerals and Waste Officer), Bob Dray (Development Manager), Matthew Shepherd (Principal Planning Officer), Nicola Thomas (Service Lead - Legal and Democratic Services), Paul Bacchus (Principal Engineer), Russell Davidson (Senior Scientific Officer) and Elise Kinderman (Team Leader – Place)

**Apologies for inability to attend the meeting:** Councillor Denise Gaines

#### PART I

##### 1. Minutes

The minutes of the last meeting

##### 2. Declarations of Interest

*Councillors Adrian Abbs, Paul Dick, Nigel Foot and Clive Hooker reported that they had been lobbied on Agenda Items 4(1) and 4(3) however, would approach both items with an open mind based on the information presented at the Committee.*

*Councillor Howard Woollaston declared an interest in Agenda Item 4(1) by virtue of the fact that he had been lobbied on the item. He also declared a personal interest in the item by virtue of the fact that he was the Ward Member for the item and was predisposed but not predetermined on the item. He would form his decision based on the information provided at Committee and the debate. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.*

*Councillor Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was the Vice-Chairman of the North Wessex Downs National Landscape. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.*

##### 3. Schedule of Planning Applications

###### (1) Application No. and Parish: 23/02142/MINMAJ - Land Adjacent To M4 Membury Airfield, Lambourn Woodlands, Hungerford

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/02142/MINMAJ in respect of the installation and operation of an asphalt plant and associated ancillary development.
2. Mr Alistair Buckley introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. Mr Buckley

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

went through the potential impacts from the development in detail and addressed the areas of concern raised through received objections.

3. Mr Buckley explained that a number of objections had been received regarding air quality in relation to the impact on racehorses and made reference to an appeal decision from 2015 for an asphalt plant at Whitewall Quarry in Yorkshire. It was highlighted that this plant was 50 percent larger than the one proposed. The Appeal Inspector had concluded that emissions from the plant would be so low that they would be unlikely to affect the respiratory health of racehorses. Mr Buckley explained that in addition, when determining a 2017 appeal decision for a horse cremation facility at Wessex Saw Mill, Great Shefford, the Inspector had stated that due to a lack of substantive evidence to demonstrate otherwise, they had no reason to disagree with the Council's Environmental Health Officer's conclusion that there would be a low impact on air quality. Mr Buckley referred back to the Whitewall Quarry case and noted that in upholding the Local Planning Authority's decision, the appeal decision had taken account of the perceived harm to racehorses in the vicinity of the asphalt plant. The impact of perception on air quality had formed a material consideration within the context of a wider planning balance decision.
4. 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.
5. Mr Russell Davidson provided an overview of the environmental permitting regulations for asphalt production, stating that the process was classified as low impact and that the plant would be subject to regular inspections. He agreed with the findings of the applicant's Air Quality Assessment, which demonstrated that the impact on air quality would be insignificant and would not cause exceedance of air quality objectives for human health. No assessment findings on the impact of air quality on horses could be provided as there were no standards or evidence to compare with. Mr Davidson highlighted that motorways were major sources of traffic related air pollutants, which could negatively impact on health particularly of those living within 500 metres. Given that some gallops were located within close proximity to the M4, Mr Davidson was of the view that this would likely have a greater impact on air quality than the proposal. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)
6. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. Mr Goddard stated that due to the level of concern raised by the local community regarding the proposal, some fresh traffic surveys had been conducted in December 2024. The results of this could be viewed on page 36 of the agenda and a significant increase in traffic had been noted on the B4000. On balance it was not considered that the traffic that would be generated by the site would be sufficiently severe to warrant refusal of the application. The main highways concern was sustainability, and the Local Highways Authority objected to the proposal on sustainability grounds. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)
7. The Chairman asked Mr Bob Dray if he had any observations relating to the application. Mr Dray clarified the level of representations regarding the application, which had changed since the agenda and update report had gone out. In total 89 contributors were recorded with 45 in objection and 44 in support. Of the 89, four had been counted as petitions as they had been received as one submission. Three petitions had been received objecting to the proposal and one in support. A petition

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

had been received from Lambourn Parish Council in November 2023 in objection and had been received several times with additional signatures added, with a final total of 129. A further submission had been received in February 2025 from the Lambourn Trainers Association, and this had been classed as a petition as it was received as a single bundle but consisted of 41 individual submissions within it. This had been principally concerned with the impact on the racehorse industry. A further petition of objection had been received on the 18<sup>th</sup> March with 11 signatories. Finally, the petition in support had 134 signatories. If each signatory was classed as an individual submission there would be around 223 in objection and 177 in support. Mr Dray stated that this hopefully set out more clearly the level of interest objecting to and supporting the proposal.

8. The Chairman asked Mr Paul Bacchus if he had any observations relating to the application. Mr Bacchus summarised that the primary concern with the site had been the discharge locations for surface water run-off and how exceedance would be managed throughout the site. It had been determined that infiltration on the site would be viable.
9. In accordance with the Council's Constitution, Mr Chris Harris and Ms Bridget Jones, Town Council representatives, Mrs L. Parmentier-Green, Ms Snowdon and Mr Tony King, objectors, Mr Keith Fryer and Mr Paul O'Neil, supporters, Mr Mark Drake (applicant) and Mr Andrew Turvill (Agent), and Councillor Howard Woollaston, Ward Member, addressed the Committee on this application.

### **Town Council Representation**

10. Mr Harris and Ms Jones addressed the Committee. The full representation can be viewed here: [Western Area Planning – Wednesday 19th March 2025](#)

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

11. Members asked questions of clarification and were given the following responses:
  - Ms Jones confirmed that they did not have any data demonstrating air quality impact on the racehorses from the M4 Motorway. There was however, the Area of Outstanding Natural Beauty (AONB) Policy which stated that Councils had a duty to protect the air quality within an AONB. An asphalt plant that generated particulates would compound the problem and could impact the racehorse industry.
  - There was no evidence available to suggest that the proximity to the M4 had dissuaded owners or trainers from locating racehorses in Lambourn.
  - It was clarified what had been meant by a 'perceived effect' in relation to the racing industry in the area. It was clear from the Whitewall case that they could not mitigate against the perceived risk and that any economic benefit from the proposed asphalt plant would be outweighed by the potential adverse impact on the local economy including employment in the existing racing industry. Preserving the health of horses and the historic racing industry in the area had been deemed paramount. East Riding Council had refused a proposal for an asphalt plant on two occasions citing air quality as the reason.
  - Walkers Logistics had been granted a personal condition, which allowed them to suppress the traffic figures whereas normally TRICS data would be used. The figure projected by Walkers Logistics was 220 additional traffic movements. The Parish Council had a TRICS consultant carry out a survey who had confirmed that there would be 778 additional vehicle movements.

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

- It was believed that if the relevant condition was approved and enforced the proposed asphalt plant would be running at a ninth of its total capacity. If it was run at full capacity, it would be comparable to the Whitewall, Yorkshire case. There was concern that if the plant was granted permission, a further planning application could be submitted to request that the capacity be extended.
- Regarding how far the racehorse industry was from the Whitewall, Yorkshire case there had been some studs as close as a mile away. For the Membury application there were studs located less than half a mile from the proposed site with a horse breeding facility opposite the motorway.
- It was thought that Kingwood Stud was the closest to the proposed application site at less than a mile away.

### **Objector Representation**

12. Mrs Parmentier-Green and Ms Snowdon addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)

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

13. Members asked questions of clarification and were given the following responses:
- Regarding horse health and mitigation in relation to dust generated during harvest times, it was a particularly difficult time of the year for trainers and care was taken to not plant rapeseed near to gallops. The respiratory health of racehorses was an area trainers were always working to improve and ventilation was extremely important. This was why even 'perceived' harm was such a big issue for the training industry.
  - Mrs Parmentier-Green reported that she had established her stud (the closest stud to the proposed site) 15 years ago. The proximity of the M4 to the stud had not been considered a risk factor for breeding. The main concern was what would be contained in the product at the proposed asphalt plant. Ms Snowdon reported that at her stud in Lambourn, there were days when the M4 could and could not be heard depending on the wind direction. There was concern about what would come across the valley in the air on the days when the M4 could be heard clearly. The perceived harm was most concerning and was why they were urging the Committee to reject the proposal.
  - It was not felt that human data could be used when racehorses were involved. It had not been possible to find UK based data relating to air quality and horse health.
  - Mrs Parmentier-Green clarified that her stud was on the opposite side of the road to Kingwood Stud on Ermin Street. The Membury mast was within one of her fields and therefore about 600 metres away from the proposed site.
  - When talking about the perceived detriment to horse health from air quality, a document titled 'health impacts from asphalt plants on horses and related planning rejections' had been referred to and set out that asphalt plants released air pollutants, which were known to cause respiratory problems and skin irritation in exposed populations. Horses were particularly sensitive to air quality and veterinary research showed that airborne particulate matter and dust could trigger or worsen equine asthma and reduce performance. Trainers were always trying to find the margin that made their horses better than their competitors and good ventilation was crucial.

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

### **Supporter Representation**

14. Mr Keith Fryer addressed the Committee including a statement that he read out on behalf of Mr Paul O'Neil. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)

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

15. Members asked questions of clarification and were given the following responses:
- Mr Fryer operated one company across three sites within Membury. There had been a lot of discussion that evening about pollutants and there had been unsubstantiated data provided about the potential harm. The pollutants caused by the M4 would be largely beyond what a single plant would cause, which would have vigorous controls.
  - The proposal would be an enhancement to the North Wessex Downs National Landscape as there was currently no development on the site and the proposal would add development to the industrial area.
  - Car emissions on the M4 had likely reduced significantly over the last few decades. There was uncertainty if the effect of the motorway was in decline because he was unsure if the volume of vehicles was less or more than it was 50 years ago. It was likely that the number of vehicles had increased significantly since the motorway first opened.
  - It was felt to be inevitable that there would be an impact from increased vehicle movements from the site. The Highways Officer had set out that the analysis showed that the impact would be less than a one percent increase, which in Mr Fryer's view was negligible.

### **Applicant/Agent Representation**

16. Mr Turvill addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)

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

17. Members asked questions of clarification and were given the following responses:
- Regarding the perceived harm, there had been desire to engage with Lambourn Parish Council and the Lambourn equine industry however, the collective response was dated from July 2024 but was not submitted to the Local Authority until 20th February 2025, which had not allowed an opportunity for a meaningful discussion around possible mitigation or how concerns could be addressed. There was concern that the Whitewall case had been largely referenced by objectors who had not read the air quality report in detail. All measures would be put in place and closely monitored. Any risk was negligible. If there were true concerns about equine health it was unlikely that a training facility would have been built within 900m of the M4. In the event material escaped from the proposed site, then as set out in the report in detail, nearly all dust would fall within one kilometre and therefore Mr Turvill felt that concerns were unfounded.
  - Regarding whether consideration had been given to the worst case scenario in terms of air quality, there were multiple factors that would need to occur to lead to an escape of dust.
  - The statement 'far far far closer' had been used in reference to concerns about the Whitewall Quarry case and an assessment of distance. The nearest racing establishment to the Whitewall Quarry plant was 180 metres from the boundary of

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

the quarry. In comparison, at Membury, 180 metres would only go to the north side of the eastbound M4 carriageway.

### **Ward Member Representation**

18. Councillor Woollaston addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)

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

19. Members did not have any questions of clarification.

### **Member Questions to Officers**

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

- An assessment demonstrating economic benefit was not required as there was no validation requirement for an application of this nature. As with any application, Officers had to take economic benefit into account when forming their recommendation. It was noted that letters of support had been received due to the indirect employment involved with the asphalt plant. Nothing further to this had been submitted with the application regarding economic benefit.
- The access to the M4 via Membury Services was owned and maintained by the National Highways Service. The West Berkshire Highways Team had assessed the traffic for the application based on 100 percent of traffic using the B4000, as traffic should not be using the Membury access to the M4 and National Highways could close it at any time.
- The process of roadstone coating was classed as low impact in terms of being a pollutant and the exposure to bitumen was low. Monitoring for particulates would take place bi-annually.
- The site in question would provide on demand production of asphalt.
- The 10 percent increase in accidents was deemed reasonably low by Officers as the numbers were relatively small. None of the surveys carried out took account of the unauthorised traffic that used the access from the service station onto the M4. If this access was closed, then the numbers set out in the report could be expected to be higher. Officers were not aware of how many vehicles currently used the unauthorised access.
- The capacity of the site and production of 25000 tonnes of asphalt per year had been conditioned.
- For the plant to produce more than 25000 tonnes per annum, a new planning application would be required.
- Roadstone coating was a prescribed process that fell under Environmental Protection Regulations and therefore required an Environmental permit in order to operate. Within this permit was a series of legal conditions, which must be complied with. These conditions controlled dust leaving the site and would be subject to frequent inspections.
- An environmental permit required certain checks to be in place including logbooks and maintenance records to control dust on the site. Daily assessments would be required that could be subject to inspection at any time. The Senior Scientific Officer would issue the permit and conduct inspections biannually to begin with. The frequency of inspection would reduce depending on compliance.

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

- In reference to the facilities already located at Theale and Cricklade, 30 percent of the asphalt at the proposed site would come from recycled pavement asphalt, which would make it a waste recycling facility. The applicant did not need to prove a need for that type of process to take place.
- Officers confirmed that it was established through case law that there was not an onus on an applicant to demonstrate a need for the type of facility proposed. The fact that an application had been submitted showed that there was a need and therefore it would be difficult to sustain an objection on these grounds.
- In reference to the proposal only producing 11 percent of the overall capacity of the plant, Officers confirmed that the amount of asphalt to be produced was a matter for the applicant. The capacity submitted had been assessed by the Local Authority and the necessary conditions added. This could not be exceeded without the submission of a further planning application. Any further application would be judged on its own merits.
- Officers confirmed that there were various control methods that could be used in order to minimise odour generated by the site. The plant at Theale produced 200,000 tonnes and no nuisance issues had arisen.
- Officers confirmed that the application had been assessed against policies in the Minerals and Waste Local Plan, and it was compliant.
- There were no air quality standards for animals. There were only air quality standards for humans and this was what the environmental permit was based on in terms of an emission limit for particulate matter.
- The bi-annual survey required to measure particulate levels could not be increased in frequency. Stack emission testing was carried out by the applicant using an independent stack emission testing specialist. DEFRA and the environmental permit required that this was carried out bi-annually.
- UK domestic transport emissions had decreased by 12 percent since 1990. In the year 2000, total daily traffic on the M4 was 84,000 movements and this peaked at 96,000 in 2017. This reduced to 49,000 in 2020 and had increased back up to 84,000 by 2023. It was acknowledged that the increase in electric vehicles would account for part of the 12 percent decrease in emissions.
- It was highlighted that the HGV usage was critical to air quality. In the year 2000 there were just over 9,000 HGV movements per day on the M4 and this had increased to almost 10,000 for the current year. It was noted that although car travel increased during Covid, HGV traffic increased.

### **Debate**

21. In reference to the Membury M4 access, Councillor Adrian Abbs stated that traffic was not being measured and estimates were based on traffic using the B4000 only. Councillor Abbs felt that it needed to be considered what would happen if the National Highways Authority restricted the access via the Motorway Service Station. It was noted that movements along the B4000 had increased, and the approved Walkers application would add significantly to this. The proposed site was outside of the boundary and Councillor Abbs was concerned about the boundary being expanded each time an application just outside the boundary was approved. He was concerned about a plant being located at the proposed site, as he recalled that one had been removed from the site in the past. He struggled to see the economic viability of only using 11 percent of the proposed plant however, was not confident this could be objected to on planning grounds. Councillor Abbs did not see the

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

economic benefit from five jobs being created by the proposal and noted the advice from Officers that the site was not a sustainable location.

22. Regarding the impact on the racing industry, Councillor Abbs referred to the previous Whitewall Quarry appeal decision, and noted it was about potential and perception, and based on discussions at the Committee, perception would be present for the proposed application. Councillor Abbs was concerned about the proximity of the proposed plant to studs and breeding establishments, with some being half a mile or less away. The caused perception might not impact the whole of the Lambourn area, but he queried how many jobs would be lost as a result, when there were two other similar plants that could easily supply the needs of Berkshire. Councillor Abbs wished to listen to the views of other Members however, struggled to see how he could support the application.
23. Councillor Paul Dick noted the issue of perception had been raised and he queried if Members should be guided solely by perception or whether they should be looking at facts. He was concerned about the risk of future applications being submitted if the current one was approved, but he acknowledged Members had to consider the application before them. Councillor Dick had heard it stated that the plant would be an enhancement to the area and he was unsure he agreed with this.
24. Councillor Tony Vickers referred to the quote by a political scientist that perception was reality. The racing industry was highly mobile and international, and it was noted from what had been stated by experts in the industry, that it could be a decisive factor on whether to choose Lambourn, particularly as only human health could be taken into account and not athletic racehorses or those in breeding condition. The valley of the racehorse was a brand name and if perception could not be managed against the competition, then West Berkshire risked losing one of its most valuable industries. The Whitewall Quarry appeal decision had shown that perception had been taken into account by the Inspector although it was noted that other reasons for refusal had also been listed. Councillor Vickers felt that the proposed site was a good location for an asphalt plant but there was a strong economic argument relating to the loss of any substantial amount of the racing industry, which was very vulnerable to the loss of customers.
25. Councillor Nigel Foot referred to additional consultation responses in relation to economic development on the update sheet where it was stated by West Berkshire Council's Environmental Health that the Air Quality Assessment demonstrated that air quality impacts would be insignificant. Councillor Foot commented that this was in reference to human beings, which were physiologically very different to racehorses that would be exercised very close to the site. The care taken particularly at harvest time demonstrated the delicate balance within the industry. Councillor Foot agreed with Councillor Vickers that the economic harm that could result from the perception that there might be increased risk to horse health, was something that needed to be taken very seriously. He stated that if he were to object to the application, one reason would be that impact on human respiratory health could not be compared to racehorses.
26. Councillor Martin Colston felt that the key fact was the existing 1000 jobs provided by the racing industry compared to the five jobs that would be created if the proposal was agreed. Recently the Western Area Planning Committee had approved two state of the art yards in Lambourn to show the Council's support for the industry. Councillor Colston was concerned that those in the industry in other parts of the country could use the plant to deter owners from Lambourn if approved. He was very concerned about the risk to the racing industry and although he had initially felt Members should

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

follow the Officer recommendation, he was now of the view that the application should be refused.

27. Councillor Antony Amirtharaj referred to the report and that he would have expected a table to be included that set out pollutant levels. He was concerned that insufficient data was causing doubt across the industry and impacting further on perception. The racing industry was very important for the district and was renowned worldwide. There were many unknowns regarding the application and opportunities for engagement by the applicant had been missed. He would be assigning weight to these factors when forming his decision about the application.
28. Councillor Abbs proposed a motion to go against the Officer recommendation and reject planning permission. Grounds for refusal included reference to the Whitewall appeal decision where, for a similar proposal, perception had been included as a reason to reject the appeal. Furthermore, Councillor Abbs was concerned the location was not sustainable and was outside of the employment boundary. Finally, he highlighted that the traffic data provided clearly showed a rise in accidents on the B4000 and Councillor Abbs was concerned that the Highways Agency could close the Membury M4 access at any time, which would further compound the issue.
29. Councillor Clive Hooker referred to the National Planning Policy Framework (NPPF) and other policies that were formulated and approved by Members and used as a basis for making decisions on planning applications. He was concerned about making a decision on an application based on perception for which there was no data or evidence. If minded to refuse the application, Members needed to consider if this was based on policy or a perceived issue.
30. Councillor Dick seconded the motion proposed by Councillor Abbs for the reasons set out.
31. Mr Bob Dray clarified the reasons for refusal with Councillor Abbs as follows:
  - It was an unsustainable location with regard to the accessibility of the site and lack of active travel options available.
  - There was insufficient information on traffic movements and impact with particular regard to the unknown quantity of vehicles using the service station M4 access. It was noted that that the unauthorised traffic using this access needed to be surveyed.
  - Recognition of the sensitivity of the racehorse industry including the importance of it to the local and rural economy and giving regard to the recent similar example in Yorkshire, which was rejected at appeal. It was proposed to refuse the application on there being insufficient information on the effect for equine health, and for the risk to the local racehorse industry due to the perceived environmental impact of the development.
32. Councillor Hooker highlighted that Membury was the district's identified industrial site going forward. He stated that if the proposal was refused on sustainability grounds, the site might not be one that could be used in the future. Councillor Vickers agreed and did not support that the proposal should be refused on sustainability grounds. Councillor Vickers felt that the proposal improved overall sustainability as the highways repair/asphalt industry would have less distance to travel to areas in the vicinity, in the west of West Berkshire.
33. Councillor Colston agreed with Councillor Vickers and felt that the main issue was the perceived risk to the racehorse industry. This was not quantifiable but if the

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

perceived risk circulated in a negative way in the industry, significant harm would be caused.

34. Regarding a further suggested reason for refusal that the site was outside of the employment area, Mr Dray highlighted that as set out in the report under the principle of development, the proposal has been assessed against policies and although it was outside of the employment area, it had been viewed by Officers to comply with policy in this instance. Mr Dray advised that this reason would be difficult to defend at appeal. Councillor Abbs accepted the advice and did not include this reason within his proposal.
35. Councillor Amirtharaj agreed with the points raised by Councillors Vickers and Colston and was mainly concerned about the perceived impact on the racing industry.
36. Councillor Foot commented on the unique situation regarding air quality, as few areas in the country had a racing industry like Lambourn. He felt it would be reasonable to say that that human data was not a suitable metric to monitor air quality for racehorses and he queried if this could be added as a reason for a refusal. Mr Dray advised that the reason for refusal concerning the horse racing industry could be supplemented to say that there was insufficient information to demonstrate the proposal would not have an adverse impact on racehorses. Councillor Abbs agreed that this should be included.
37. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Dick, to refuse planning permission. At the vote the motion was carried.

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

### **Reasons**

- The application site is located in an unsustainable location, having regard to its rural location and the lack of active travel and public transport options for the site. Therefore, the proposed development will not reduce the need for travel, improve and promote opportunities for healthy and safe travel, minimise the impacts of travel on the environment and help tackle climate change, or promote sustainable transport contrary to West Berkshire Core Strategy policies CS13 and CS9 and the National Planning Policy Framework. .
- Insufficient information on traffic movements and impact has been provided, with particular regard to the unknown quantity of vehicles using the motorway service station and not Ramsbury Road/Ermin Street in order to access the M4 motorway. This may be suppressing the baseline vehicle movements in the transport assessments, and it is not possible to accurately conclude whether the residual cumulative impacts on the road network would be severe in line with NPPF paragraph 116. The Local Planning Authority is therefore also unable to conclude whether the proposal will be able to mitigate impacts on the local transport network or result in unacceptable impacts on road safety and local amenity, in line with West Berkshire Core Strategy policy CS9, West Berkshire Minerals and Waste Local Plan policy MWLP22, and the National Planning Policy Framework.
- The local racehorse industry is of high value to the local rural economy, and it is a highly sensitive and mobile industry. Insufficient evidence has been provided to demonstrate the proposal would not have an adverse effect on horse respiratory health. It is therefore not possible to conclude whether the proposal will have

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

unacceptable impacts on air quality or unacceptable pollution of the environment in line with West Berkshire Minerals and Waste Local Plan policy MWLP26 and West Berkshire District Local Plan Saved Policy OVS.5. The proposal also has the potential to harm the local racehorse industry based on the perceived impact from environmental pollution, potentially making the local area unattractive for continued investment and for trainers making use of local facilities. This is contrary to West Berkshire Core Strategy policies ADPP5 and CS12 which require the local racehorse industry to be supported and maintained.

### **(2) Application No. and Parish: \*ITEM WITHDRAWN\* 24/02003/FULMAJ - Holly Grange, Cold Ash Hill, Cold Ash**

*This item was withdrawn from the agenda.*

### **(3) Application No. and Parish: 24/02022/FUL - Land Adjacent To 123 Strongrove Hil, Hungerford**

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 24/02022/FUL in respect of the erection of a single detached three bedroom house (125 Strongrove Hill) and associated works.
2. Mr Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and officers recommended that the Development Manager be authorised to refuse planning permission, for the reasons listed in the main and update reports.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. Mr Goddard stated that the Highways Authority was content with the proposal and had no objection on Highways grounds. The access as it joined the A4 was being resurfaced for a minimum of 6 meters from the edge of the carriageway. The site layout was acceptable with regards to parking levels, turning, and cycle storage. The full representation of Mr Goddard's observations can be found here: [Western Area Planning Committee – Recording](#)
4. In accordance with the Council's Constitution, Mr James Cole and Mr Gordon Montgomery, Town Council representatives, Ms Kamini Conning, supporter, Mr Brian Withers, agent and Councillors Dennis Benneyworth and Tony Vickers, Ward Members, addressed the Committee on this application. It was agreed by the Committee that joint Ward Member, Councillor Tony Vickers, would read out a statement on behalf of Councillor Dennis Benneyworth.

#### **Town Council Representation**

5. Mr James Cole and Mr Montgomery addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)

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

6. Members asked questions of clarification and were given the following responses:
  - The new application would be a benefit to the community and should be supported. It had always been felt that the ground was a good site for a house. The piece of land was not an example of high-quality woodland. Redevelopment of the site made sense.

#### **Supporter Representation**

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

7. Ms Kamini Conning addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)

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

8. Members did not have any questions of clarification.
9. In accordance with the Council's Constitution part 3 point 10.8, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm and therefore continued with Agenda Item 4(3).

### **Agent Representation**

10. Mr Brian Withers addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)

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

11. Members asked questions of clarification and were given the following responses:
- The application was for a passive house, which conformed with the format set by the Passive House Trust which was an independent industry leading organisation which promoted the adoption of passive houses in the UK. There were only 1000 passive homes in the UK. There were no passive homes in Berkshire and Wiltshire.
  - Regarding evidence setting out how the proposal would meet the passive house standards, the companies and suppliers that would be involved with the build were passive house certified. The house proposed would be highly sustainable and it was felt that this circumvented the issues identified by the Planning Officer.
  - In relation to why Planning Officers did not accept that the application represented exceptional design quality, it was highlighted that Planning Officers had suggested the use of an independent company, which would cost £7000 per day, which would not be recoverable. The house would be highly sustainable, which it was felt would circumvent the issues highlighted by Planning Officers.

### **Ward Member Representation**

12. Councillor Tony Vickers addressed the Committee and also read out a statement on behalf of fellow Ward Member, Councillor Dennis Benneyworth. The full representation can be viewed here: [Western Area Planning Committee - Wednesday 19 March 2025](#)

### **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:
15. Members asked questions of clarification and were given the following responses:
- Officers were of the view that the recommendation was not finely balanced. It was harmful to the Area of Outstanding Natural Beauty (AONB) and the design was of poor quality. A previous Inspector agreed with the assessment in terms of the spatial strategies and the clusters and the requirements of policy. The tilted balance did not apply because of the identified harm to the National Landscape. It was a strong Officer recommendation for refusal of the application.
  - Officers stated that little weight had been given to the opinion that the development would meet passive house status, as it was not demonstrated in any

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

of the documentation submitted that this would be achieved. Officers clarified that passive house designs were not considered exceptional, and an application for a passive house had been approved by West Berkshire Council in West Woodhay 2022606/FUL. Documentation for this approved application was shown to the Committee and demonstrated the type of information required for a development to be considered a Passive House.

- In response to whether a condition could be added setting out that work could not commence until evidence was submitted on how the application would meet passive house standards and whether this would change the planning balance, Officers stated that this would be an unreasonable condition to apply because if it materialised that the proposal could not be built in accordance with the approved plans and also achieve passive house design then the suggested condition would cause conflict, and it would become unreasonable.
- The design needed to be considered in terms of the conditions listed and a further condition regarding passive status could conflict with one of these conditions, if it was not certain this could be achieved.
- Officers stated that a condition must pass certain tests, including whether it was reasonable; whether it could be complied with and if it adhered to the other conditions. Officers used BREAM as an example and stated that even though the detailed design stage was completed post permission, earlier there was a preassessment stage to check compliance. This provided Officers with confidence regarding whether a proposal was capable of complying with certain standards based on the design submitted. Officers had given little weight to passive house status as they had not received enough evidence to say whether a condition could be imposed to secure the proposal based on the design.
- Officers stated that in terms of the exceptional design, passive house although laudable, had been around for some time and was no longer considered of an exceptional design.
- Officers suggested that Members could delegate to Officers to seek sufficient evidence that the proposal could be designed to Passive House standards. If Officers were satisfied this could be achieved, planning permission could be approved.
- Regarding the definition of open countryside, Officers stated that the Spatial Strategies, the Local Area Delivery Plan and planning policy five directed development to settlement boundaries. There were exceptions to this listed in Policy C1, which stated that development be in clusters of 10. The site was considered open countryside.
- Officers stated that planning inspectors applied Policy C1 in the same way that it had been applied in the application. There were two decisions that defended why the site was considered inappropriate.
- Officers stated that exceptional design was a very high bar and Officers did not consider the application to clear the bar of exceptional design. It was not considered by Officers that the application complied with CS14 or CS19.
- Officers stated that if the application had been to peer review and approved by architects as an exceptional design, this would have formed a material consideration and factored into the recommendation. However, no peer review had taken place. In the Officer's opinion, the application failed on multiple fronts including the Spatial Strategy; CS14 in terms of the quality of design; CS19 in

## **WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

terms of the impact on the national landscape and issues regarding sustainable drainage.

- Officers did not consider any of the information raised to be significant enough to change their recommendation for refusal.

### **Debate**

16. Councillor Tony Vickers opened the debate by stating that the site was not in a remote location, and he did not consider that the site was in a sensitive area. Councillor Vickers stated that there were strong arguments in favour of it being in a sustainable location. The tilted balance was significant in the application. It was a brownfield site, and there was no effective use of the land for agricultural or forestry purposes. The site was used for fly tipping and local residents supported the development for a house on the site. Regarding the matter of exceptional design, the applicant was a small/medium builder for whom there were limits on opportunities to develop, and significant weight should be put on that. The application was in a relatively sustainable location, it was not remote or sensitive, and it could be argued that it would enhance the brownfield site and put it to effective use.
17. Councillor Anthony Amirtharaj agreed with the presentation made by the Town Council representatives. The site was currently a waste piece of land which was not being used. Councillor Amirtharaj supported the development and noted that achieving exceptional design standards would have prohibitive costs for the applicant.
18. Councillor Paul Dick noted the position of the local Councillors however, considered the Officers recommendation to be clear. Councillor Dick did not consider the design to be exceptional and considered it to be a blot on the landscape. Councillor Dick stated that members could not discount the professional view of the Officers who had stated that the bar for exceptional design was very high. Councillor Dick noted that there were means of demonstrating compliance with exceptional design, but the applicant had decided not to. Councillor Dick stated that the site was next to a marsh and the application was lacking in ecological information. Councillor Dick supported Officers recommendation to reject the application.
19. Councillor Paul Dick proposed to accept Officer's recommendation and refuse planning permission for the reasons listed in the main report and update report. This was seconded by Councillor Clive Hooker.
20. Councillor Clive Hooker noted the strong recommendation of refusal from Officers and understood the subjective nature of design. Councillor Hooker stated the applicant had chosen not to take the application to a peer review panel for assessment and he acknowledged the fees associated with this however, this was something that was required if approval was sought. Exceptional design had not been achieved, and the site was outside of the steering boundary. The site was within the Site of Special Scientific Interest (SSSI) and it was against the Council's Spatial Strategy. Three applications for the site had been to the Inspector and refused previously. Councillor Hooker stressed that Members made decisions based on policies and the recommendations of professional Planning Officers. Councillor Hooker supported Officers recommendation to reject the application.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Paul Dick, seconded by Councillor Clive Hooker to refuse planning permission. At the vote the motion was carried.

**WESTERN AREA PLANNING COMMITTEE - 19 MARCH 2025 - MINUTES**

**RESOLVED that** the Development Manager be authorised to refuse planning permission for the reasons set out in the report.

*(The meeting commenced at 6.30 pm and closed at 10.25 pm)*

**CHAIRMAN** .....

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