

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/02529/COMIND Boxford Parish Council	17 <sup>th</sup> January 2022 <sup>1</sup>	<p>Proposed change of use from agricultural to new equine facility (racehorse training and stabling) for 45No horses, including the installation of associated car park, all storm water and foul water drainage, and new landscaping.</p> <p>The installation of new entrance gates within existing vehicular access and gallops - (Part Implemented).</p> <p>Refurbishment of existing former farm buildings, demolition of existing hay barn, erection of new stable building, horse walker and lunge pen – (Retrospective).</p> <p>Ownham Farm, Unnamed Road From Valley Road To Ownham, Ownham, Newbury, West Berkshire, RG20 8PL.</p> <p>HDR Ltd</p>
<sup>1</sup> Extension of time agreed until 12 <sup>th</sup> July 2023			

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02529/COMIND>

#### Recommendation Summary:

To **DELEGATE** to the **Development Control Manager** to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8 of the report), comments from Natural England with regard to the Habitats Regulation Assessment and the completion of a Section 106 legal agreement as a planning obligation to secure the Habitats Regulation Assessment recommendations.

OR

If the legal agreement is not completed by the 21<sup>st</sup> September 2023 (3 months of the committee meeting), or such other date as agreed in writing by the Development Control Manager in consultation with the Chairman of the

Committee, to **DELEGATE** to the Development Control Manager to **REFUSE PLANNING PERMISSION**, for the reasons set out in Section 8 of the report.

**Ward Members:**

Councillor Dennis Benneyworth  
Councillor Denise Gaines  
Councillor Tony Vickers

**Reason for Committee determination:**

Call in by Ward Member

**Committee Site Visit:**

15<sup>th</sup> June 2023

**Contact Officer Details**

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## 1. Introduction

- 1.1 This application seeks full planning permission for the change of use of the land and buildings from agricultural use to a new equine facility.
- 1.2 The proposed development will include the following elements:
  - Racehorse training and stabling for 45No horses
  - Installation of associated car park, all storm water and foul water drainage
  - Installation of new entrance gates within existing vehicular access (off High Street) and new gallops - (Part Implemented).
  - Refurbishment of existing former farm buildings, demolition of existing hay barn, erection of new stable building, horse walker and lunge pen - (Retrospective).
  - The proposal will convert existing 3No barns to facilitate new offices, reception, owners' room, lads' rooms, colour room, tack room, vets stable area, feed store, rug room and 5No separated horse stables.
  - The existing farmhouse will remain unchanged and will be used as the "Head Lads House".
  - New landscaping.
- 1.3 External horse training infrastructure is proposed within the farmyard complex area and will comprise of a horse walker, a lunge pen and new paddocks. Additional external horse training infrastructure is also proposed within the wider site area to comprise of sand rolling areas, warm-up area, new sand arena, deep sand arena and schooling ground. Along the perimeter of the site area it is proposed to install external horse training infrastructure to include walkways between gallops, carpet gallops, woodchip gallops, grass gallops and a cool-down area.
- 1.4 The proposals seek to develop the site with the removal of an existing hay barn and replacing it with a proposed stable building with a similar height of approximately 6.75 metres to the ridge line. The new stable building increases the gross internal floor space from 315 square metres to 973 square metres. Access into and out of the site would not change and would continue onto High Street. Proposed new parking provision allows for 21No car parking spaces for staff and guests located adjacent to the access and the farmyard at the centre of the proposed facility.
- 1.5 Other developments across the site will include an infiltration basin, reed bed and drainage field, new main entrance gates and soft landscaping across the site.
- 1.6 As indicated above, the proposal before members includes part implemented development and fully retrospective development.

### ***Background and planning application history***

- 1.7 The application has been delayed mainly due to the River Lambourn Nutrient Neutrality designation and before that the applicant had sought to address pre-commencement conditions as part of the application by submitting additional details to address recommended conditions.
- 1.8 The proposed development is within the catchment of the River Lambourn Special Area of Conservation (SAC) and the Nutrient Impact Zone and therefore has the

potential to affect this Habitat Site. All new development that would result in a net increase in phosphorous into the River Lambourn SAC must take into account Natural England's Advice on Nutrient Neutrality dated 16th March 2022. West Berkshire Council will need to be certain that the submitted plans will not adversely affect the integrity of the River Lambourn SAC in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations.

- 1.9 The application is therefore a complex application for which a large number of documents have been submitted and many amendments submitted over the period.
- 1.10 The site area covers approximately 14.13 hectares of existing agricultural land.
- 1.11 The existing driveway leading to the farmyard will be utilised. The existing public right of way footpath BOX/10/1 which runs to the South of the application site will be unaffected by the proposal.
- 1.12 The site comprises Ownham Farm also known as Upper Farm, which includes a large agricultural barn and smaller storage barns within a farm yard complex with an existing farmhouse.
- 1.13 The development site is located in a rural part of West Berkshire and within the North Wessex Downs, Area of Outstanding Natural Beauty (AONB).
- 1.14 Upper Farm is bordered to the North by High Street, to the East by Lambourn Road, to the South by Ownham Lane and a public right of way footpath (BOX/10/01), and to the West by the B4000. The existing main entrance to Upper Farm is from the North via High Street, which is a link road between the B4000 and Lambourn Road. A secondary entrance exists from the south via Ownham Lane, and an unclassified single-track road.
- 1.15 The nearest adjoining properties are to the southeast. Acre Cottage, No's 176 and 177 Ownham are all located approximately 50-100 metres away from the secondary farm entrance. Other properties in the vicinity are No. 126 Ownham and Old Farm located further to the East on Ownham Lane. High Street Farm is located to the North, adjacent to the nearest defined settlement of Boxford.
- 1.16 Upper Farm is a derelict former dairy farm. The farmyard complex of buildings and surrounding land has however been used for storage, arable farming and sheep grazing. There are a number of single storey traditional and modern farm buildings which make up the farmyard, as well as an existing dwelling historically linked to the farm. As indicated above, no changes are proposed to the farmhouse, which will be linked to the proposed use as the Head Lads' dwelling.
- 1.17 The site consists of extensive land up to approximately 55 hectares, which consists of open fields, hedgerows and trees to field boundaries, extensive stock proof fencing, grazing and arable land and the existing driveways and private tracks. Small wooded areas are located to the North of the farm yard and an extensive wooded area is located to the South West and is known as Ownham Plantation. In terms of topography the land steadily falls from West to East with views and glimpses towards Boxford.

## **2. Planning History**

- 2.1 The site has no previous planning history but has an established historic agricultural use. The dairy farm operation within the buildings has ceased for a number of years,

while the wider land associated with the farm continues to be used for arable and sheep grazing.

### **3. Procedural Matters**

- 3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In accordance with regulation 7 the local planning authority is required to adopt a screening opinion as to whether the proposal constitutes EIA development, and therefore whether an environmental statement is required as part of the application, where it is considered to be schedule 2 development. Having regard to the nature and scale of the proposed development, it is not considered to constitute schedule 2 development and it is considered that there are no exceptional circumstances to indicate that an environmental statement is required.
- 3.2 A site notice was displayed on 04 November 2021 and the deadline for representations expired on 25 November 2021.
- 3.3 Amended plans and additional supporting information were received during the considerations, as outlined below:
- October 2021
  - November 2021
  - December 2021
  - January 2022
  - February 2022
  - March 2022
  - April 2022 - (including River Lambourn Nutrient Neutrality Submission)
  - May 2022 - (including River Lambourn Nutrient Neutrality Submission)
  - October 2022 - (including River Lambourn Nutrient Neutrality Submission)
  - December 2022 - (including River Lambourn Nutrient Neutrality Submission)
  - February 2023 - (including River Lambourn Nutrient Neutrality Submission)
  - March 2023 - (including River Lambourn Nutrient Neutrality Submission)
  - May 2023 - (including River Lambourn Nutrient Neutrality Submission)
- 3.4 According to the Planning Practice Guidance, where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary, taking into account a number of considerations including previous objections, and the significance of the changes. These amendments have been to address specific technical concerns raised by consultees, and to amend the description as development commenced on site. The amendments have been made publically available via the Councils planning website. Given that these amendments have been in response to technical issues and did not alter the originally proposed scheme, it has not been necessary for an amended plans site notice to be displayed.
- 3.5 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development. Whether the development is CIL liable will be confirmed by the CIL Team under separate cover.
- 3.6 More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

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

<b>Boxford Parish Council:</b>	No objection
<b>Welford Parish Council:</b>	No objection
<b>WBC Highways Authority:</b>	No objection, subject to conditions
<b>WBC Ecology Officer</b>	No objection, subject to conditions, Nutrient Neutrality legal agreement and agreement from Natural England on the Habitats Regulations Assessment
<b>WBC Archaeology Officer</b>	No objection, subject to conditions
<b>WBC Tree Officer</b>	No objection, subject to conditions
<b>WBC Local Lead Flood Authority</b>	No objection, subject to conditions
<b>WBC Environmental Health</b>	No objection, subject to conditions
<b>The Jockey Club</b>	Support
<b>Thames Water</b>	No objection, subject to condition
<b>Natural England:</b>	No comments received
<b>WBC Public Rights Of Way</b>	No comments received
<b>WBC Economic Development</b>	No comments received
<b>North Wessex Down AONB</b>	No comments received

## ***Public representations***

4.2 A total of five (5) letters of representation were received, distributed as below:

Objector = 1  
Supporter = 0  
Impartial = 4

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 points have been raised:

Objection points:

- Concerns with regard to potential increase in local traffic
- Concerns that vehicles will use secondary access
- Residents suggest that all access points to Ownham Lane should have road signage stating a "weight restriction" and "No Access to Upper Farm".
- Secondary Ownham gate should be used only to access the existing dwelling
- concerns about vehicles parking on the verges on the unnamed road leading up to the farm
- encourage formal planning restrictions to address potential parking on verges
- Increase in noise and disturbance from the increase in traffic that would be harmful to the environment
- local lanes will be impacted as they are used for people walking dogs, young children, cyclists and ponies
- Allow Ownham villagers continuing safe route of passage from Ownham to the footpath network immediately west of the development's main entrance (towards Sole Common).

Support points:

- With a suitable planning condition regarding the secondary access contributor would support the application.
- The residents of Ownham have received written confirmation from Frances Beeton, Rural Property Manager at Sir Richard Sutton Estate Ltd, that a permissive right of way will be made connecting the public right of way BOX/F/10/1 to Boxford High Street.

## **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 NPPF, ADPP1, ADPP5, CS1, CS5, CS9, CS10, CS12, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies: C1, C3, C5 and P1 of the Housing Site Allocations Development Plan Document (HSA DPD).

- Policies ENV.29, OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-2024
- North Wessex Downs AONB Position Statement: Housing (October 2012)
- West Berkshire Council Quality Design SPD (2006)
- West Berkshire Council Planning Obligations SPD (2015)
- West Berkshire Council Landscape Character Assessment (2019)
- Manual for Streets
- The Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2010
- British Horse Society's guidelines for the keeping of horses: stables, pasture acreages and fencing.

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, character and appearance of the AONB area
- Onsite equestrian amenity and facilities
- Impact on quality of life
- Highways
- Flooding and drainage
- Water / Sewerage infrastructure
- Biodiversity and Green infrastructure
- Representations
- Planning Balance

### Principle of development

6.2 The site is outside a defined settlement boundary. Policy ADPP1 of the West Berkshire Core Strategy allows for limited development within the countryside focused on addressing identified needs and maintaining a strong rural economy.

6.3 Policy ADDP5 (North Wessex Downs Area of Outstanding Natural Beauty) of the adopted Core Strategy sets out the strategy for development within the AONB, identifying opportunities for limited development to accommodate local needs including housing and employment, within service villages. The policy supports the equestrian and racehorse industry, recognised as contributing to both the local and national economy. Any form of development is expected to conserve and enhance the local distinctiveness, sense of place and remote setting of the AONB.



- 6.4 The North Wessex Downs AONB is home to racehorse trainers and the Lambourn area is a nationally important centre of activity for the horseracing industry second only to Newmarket. In relation to the racehorse industry within the North Wessex Downs AONB, the policy aims to prevent pressure for redevelopment of existing facilities to other uses, and fragmentation of existing sites. These pressures could lead to the decline of the industry locally, threaten the character and form of settlements, and increase pressure for replacement facilities in environmentally sensitive areas. The construction of new and modern facilities is welcome in adding to the existing provision. The conservation and enhancement of the natural beauty of the landscape is in this case one of the paramount considerations in assessing the site.
- 6.5 Policy ADDP5 states that there is particular emphasis in the Lambourn valley area on the needs of the equestrian industry and that the equestrian and racehorse industry will continue to be supported as a nationally and locally important part of the district's economy, including Lambourn's role as a nationally important centre for the racehorse industry.
- 6.6 West Berkshire Core Strategy Policy CS10 states that proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. The site is reasonably located near Boxford, Wickham Green and Stockcross settlements and the proposed use will compliment the racehorse industry services within the area.
- 6.7 Policy CS10 further states that existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. There are benefits from the development as it will ensure the provision of important racehorse training facilities supportive of the Lambourn Valley of the Racehorse. There are numerous other horse racing training facilities in the wider area. The applicant's intention is to establish a professional racehorse training facility located at Upper Farm, Ownham,
- 6.8 At the proposed capacity the facility will employ approximately 12 staff, 9 of which would be full time and 3 would be part time. It is submitted that the part time staff will only be required during peak periods of the racing season, between October and April. The employment generation is an important benefit of the scheme.
- 6.9 The Jockey Club were consulted and they have indicated that they would support the proposal on the basis of creating training facilities to help strengthen and sustain the wider racing and racehorse training industry in the Lambourn Valley in line with Policy CS12. In addition due to its close proximity, Newbury Racecourse is likely to benefit from the proposed development as horses trained at the facility are likely to enter competitions at Newbury Racecourse.
- 6.10 Policy CS12 states that equestrian activities, related development, and the racehorse breeding and training industry are characteristic features of West Berkshire, and are of particular importance to the rural economy. The policy goes on to say development associated with equestrian activities is in keeping with the location in terms of the scale, form, impact, character and siting. The proposed facilities are therefore considered acceptable for the type of equestrian facility.

- 6.11 The development proposed would result in investment, the expansion of the existing offer of training yards and help maintain and provide for the sensitive growth of a racehorse use in the AONB and on the edge of Lambourn, a nationally important centre for the racehorse industry.
- 6.12 Specifically in relation to the residential element of the proposal, Housing Site Allocations DPD Policy C1 gives a presumption against new residential development outside of settlement boundaries, subject to prescribed exceptions. It further states planning permission for housing development will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB. Housing development in the countryside is restricted and resisted by development plan policies, one of the exceptions is dwellings associated with a rural worker.
- 6.13 A racing complex is likely to require accommodation on site. The existing farmhouse will be linked to the racehorse facility and will provide staff presence at the site. The submitted assessment is considered to justify the level of accommodation proposed on the site. These accommodation facilities would ensure the health and safety needs of the horses are met by a 24 hour presence on site. It would be expected that additional staff would be accommodated within the local settlements and surrounding areas. The applicant has indicated that staff would be expected to be resident in the adjacent settlements. In order to maintain the whole site as one enterprise, conditions are considered necessary and the occupation of the accommodation will be restricted by condition to rural workers associated with the training yard. In addition, and to ensure the development continues to comply with Policy C5, a condition should be attached to ensure the whole of the site will remain a single equestrian use or planning unit. The proposal is considered to comply with Policy C5 (Housing related to Rural Workers) of the HSADPD
- 6.14 The proposed development is therefore considered acceptable in principle having regard to the provisions of Core Strategy Policies ADDP1, ADDP5, CS10, CS12, Saved Local Plan Policy ENV29, and the National Planning Policy Framework subject to the detailed considerations.
- 6.15 The specific impacts of the development on the character and appearance of the area and how it functions, amenities and highway safety, green infrastructure and biodiversity must also be considered and fully justified. These are material planning considerations that carry significant weight in determining the planning application.

### ***Design, character and appearance of the AONB area***

- 6.16 The NPPF states that the Government attaches great importance to the design of the built environment and that in relation to design, Councils should always seek to secure high quality design which respects and enhances the character and appearance of the area. The NPPF further outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 6.17 Policy CS14 of the Core Strategy supports the aims and objectives of the NPPF and provides the design principles for new development within West Berkshire. It is clear that developments must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It emphasises that design does not only relate to the appearance of the development but also the way in which it functions. The Policy has a list of criteria that developments are expected to provide which includes creating safe environments; make efficient use of land whilst respecting the character, landscape and biodiversity of the surrounding area; conserve and enhance historic and cultural assets; and provide, conserve or enhance biodiversity opportunities.
- 6.18 Policy CS19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard has been given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.19 Policy ADPP5 seeks to preserve local distinctiveness, sense of place and setting of the North Wessex Down AONB.
- 6.20 In respect of the special landscape designations, the NPPF indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection.
- 6.21 The site is considered appropriate for the type of development in the context of the Lambourn area racehorse industry. The main stabling building replaces one of the barns to be demolished. Officers consider that there would be no greater bulk of built form as the overall height of the building would be similar to the existing. Whilst the length of the building will be increased it is considered that the resultant building is functional and common within the district landscapes. The proposed group of buildings would be of small scale and the general approach taken is to develop the scheme with single storey buildings using traditional designs and forms.
- 6.22 Where development would affect the AONB, the impact on its special qualities and natural beauty of the landscape would have been the overriding consideration. The size, location and nature of the final proposed buildings is commensurate with the needs of the enterprise; and well related to onsite buildings and the development has the potential to have no adverse impact on the rural character and its setting within the wider AONB landscape. As indicated above, part of the development has been completed during the consideration of the application. The submitted schedule of materials has therefore been superseded, as it largely referred to the reuse of existing materials such as existing brick walls, concrete lintels etc. in addition the schedule of materials for the wider developments will also be required. The applicant will be required to submit the final schedule of materials for not only the buildings but other external surfaces.
- 6.23 A Landscape and Visual Impact Assessment (LVIA) has been submitted and reviewed by Officers. The sensitivity of the various visual receptors was limited by the tall and mature trees and hedges either located within the site or within the local countryside.

- 6.24 There are short to medium views into the site and beyond from the public right of way footpath BOXF/10/01 which runs along the southwest and western boundaries. There are also views of the site from along the B4000 to the south and the High Street to the west. According to the West Berkshire Council Landscape Character Assessment, the site lies within the Landscape Character Area LCA WH3: Wickham Woodland and Heathland Mosaic of the North Wessex Downs AONB. LCA WH3: Wickham Woodland and Heathland Mosaic is described as heavily wooded and contains small areas of heathland, with dispersed linear settlements, such as Wickham Heath, along the central B4000 ridgetop road and that it has a quiet and enclosed rural nature.
- 6.25 The application site's landscape remains predominantly agricultural land with interspersed settlement areas, alongside copses of ancient and plantation woodland. This rural nature will be retained by the proposed development.
- 6.26 Officers consider that there are elements of urbanising effect from the development, however these are considered low impact. Additionally, proposed tree planting has been increased on the development's edges, which will reduce the visibility of the development from the Public Rights of Way further to the south and enhance the existing landscaped character feature of the area.
- 6.27 The proposed lads/staff room and tack room and area of staff car parking will not be highly visible from public areas and are considered low impact.
- 6.28 The proposed development would have a comparable form and amount of development to similar facilities within the area. Furthermore, whilst an indication of external materials are provided in the submitted details, given the submission of additional information the final schedule of materials will be required for approval and can be secured by condition.

#### *North Wessex Downs AONB Management Plan 2019 – 2024*

- 6.29 The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019 – 2024 describes the AONB's sense of remoteness and tranquillity associated with the North Wessex Downs as fundamental to the character of the AONB and vital to the enjoyment and appreciation of the landscape. The North Wessex Downs' vision seeks to make the North Wessel Downs AONB a place where development is low-impact.
- 6.30 Dark night skies are identified as a special characteristic of the North Wessex Downs AONB. Darkness allows the majesty of the skies and stars to be seen away from the orange glow of our major urban areas. The AONB Management Plan emphasises the need to conserve and enhance the remoteness and expansive open scale of the downland landscape and to maintain the pattern of discreet villages set within a quiet rural landscape, ensuring that the views to the surrounding dramatic scarps are undamaged. Due to the development assessment as described above the proposals are considered acceptable in protecting and enhancing the character of the AONB.

#### *Heritage Impact*

- 6.31 Policy CS19 of the Core Strategy seeks the conservation and, where appropriate, enhancement of heritage assets and their settings. This approach is supported by the NPPF.
- 6.32 A Roman road line is plotted by the Historic Environment Record (HER) within the western field. The Roman road is plotted from Silchester to Cirencester, and is known as Ermin Street. The applicants have provided the Council's Archaeologist with a Written Scheme of Investigation. The Council's Archaeology Officer has assessed the proposal and confirms that subject to attaching a planning condition to secure a watching brief the proposal is considered acceptable. The creation of the rest of the equine facility with trackways and gallops has the potential to have an impact on heritage assets of archaeological interest, although this may be limited as a "No Dig" approach is used.
- 6.33 The proposed development is therefore considered to comply with Policies ADPP1, ADPP5, CS12, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Housing Site Allocations Development Plan Document's Policies C3 and C5 in terms of location, design and appearance.

### ***Onsite equestrian amenity and facilities***

- 6.34 Saved Local Plan Policy ENV.29 requires equestrian development to be provided with sufficient space for the ancillary storage of food stuffs, bedding, tack and related equipment on a scale appropriate to the number of horses being accommodated. It also requires that there be sufficient land with the stable to accommodate the number of horses proposed. As a racehorse training facility, the site has sufficient facilities for storage of equipment, horse welfare facilities and exercise associated with the proposed use.
- 6.35 A lunge pen, horse walker and paddocks will also add to variety of facilities to the gallops and these are considered sufficient facilities for the proposed training use. The proposed new stables are considered to be of an adequate size, in line with horse welfare guidance. As such the proposed new built form is considered to be appropriate limited development within the countryside.

### ***Impact on quality of life***

- 6.36 Planning Policy CS14 of the West Berkshire Core Strategy is of importance with regard to the potential impact upon neighbouring amenity. Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire.
- 6.37 A small number of residential buildings currently border the site mainly to the eastern boundary. These properties are located a fair distance from the proposed working yard located within the centre of the site and the main gallops located to the west. However, the residents are not expected to experience any additional negative impact from the creation of a training facility in terms of noise, smell or light pollution.
- 6.38 With regard to noise the proposed use is synonymous in character with this part of rural West Berkshire and is considered a use in keeping with the rural character of the area. It is also not unusual for equestrian yards to be neighbouring residential properties in the rural areas and in this location. The noise from the gallops and lunge

pen from horses will be minimal. Ownham Old Farm is located closest to the gallops at approximately 36 metres. Officers consider that there would be minimal noise disturbance as the property is located at the beginning of the gallops and the horses will arrive to this area via a walkway and likely at walking pace.

- 6.39 The Environmental Health Officer has no objection and recommends that a condition is attached to any permission with regard to hours of construction work.
- 6.40 Given the scale and use, it is therefore not considered that the proposed use would result in an undue level of noise and disturbance that would materially affect the living conditions of the neighbouring properties.

#### *Manure management*

- 6.41 Any potential loss of amenity from odours has been considered, and the most likely source would be from horse manure storage. Given the distance from residential properties there would be no concerns with regard to odours from manure.

#### *Plant, machinery and equipment*

- 6.42 There are potential noise impacts from machinery and equipment associated with the type of development such as the horsewalker and any pumps. As required by standard conditions, all plant, machinery and equipment installed or operated in connection with the carrying out of the development will be required to be enclosed and attenuated such that any noise that may be generated does not exceed at any time a level of 5dB (A) below the existing background noise level, or 10dB (A) if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property. These measures are considered necessary particularly with regard to mitigating the effects of horse walker machinery.
- 6.43 Overall the impact on neighbouring amenity of the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal is considered to accord with Policy CS14 and the SPD on Quality Design.

#### **Highways**

- 6.44 Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to Highways. Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.45 The proposed development will generate relatively few daily traffic movements, which will also be seasonal, peaking when horses will be transported daily to race meetings.
- 6.46 The main access to Upper Farm is from the West onto High Street, with secondary access from the East via narrow single-track lanes linking to Lambourn Road and Coombesbury Lane. It is proposed that the main vehicular access onto the site is from the High Street with the application proposing improvements to the entrance. There are no formal pedestrian footways serving the site.

- 6.47 An Automatic Traffic Count (ATC) was carried out on High Street near the site access, recording speed and volume data over a week in August 2021.
- 6.48 The application indicates that a 2.4 x 160m vision splay at the site access can be achieved and this would be adequate for the recorded approach speeds. The splay falls within highway verge and land controlled by the applicant.
- 6.49 Parking for up to 21No cars, 2No Motorcycle stands and 3No Cycle stands would be provided.
- 6.50 Swept paths were submitted to demonstrate that the largest vehicles that will be required to access the site can adequately enter and exit the access. Passing places were also provided along the internal driveway, however the passing places pan will need to be updated given the numerous amendments.
- 6.51 Boxford Parish Council expressed concerns in respect of HGV's utilising the surrounding roads. The Council's Highways Officer has stated that there is a 7.5 tonne weight limit on the B4000 except for access for deliveries. The concern raised is that HGV's above the 7.5 tonnes may circumnavigate the weight limit by utilising more unsuitable roads in the vicinity, and they have requested exemption from this weight limit. However, the Council's Highways Officer has indicated that it was confirmed in the Transport Note that the horse transporters are to be 3.5 tonnes and so will be permitted to utilise the B4000. In addition the Transport Note also confirms that the site will only be accessed by a maximum weight limit of 7.5 tonnes and no larger vehicles will be accessing the site.
- 6.52 The Council's Highways Officer agrees that the secondary access is unsuitable for the type and frequency of vehicles that would be generated from the proposal. The Council's Highways Officer is content that the access will not be utilised for the racehorse business (other than for access to the accommodation).
- 6.53 Swept paths have been submitted demonstrating a 7.5 tonne vehicle manoeuvring into/out of the access. The access must be re-surfaced with a bonded material for a minimum of 6 metres from the edge of the carriageway to reduce the likelihood of loose material migrating onto the carriageway. This can be secured by a condition. The details submitted for the Construction method statement are acceptable.
- 6.54 The Highway Officers have also indicated that the improvements to the access entrance are acceptable and can be secured by a condition.
- 6.55 During the application, local residence sought assurances that they will still have access through the site access track, which has historically provided footpath access to the High Street and the network of public right of way footpaths to the West. This arrangement was a private arrangement as there is no public right of way running through the site access track. The residents of Ownham have indicated in correspondence that they have received written confirmation from Frances Beeton, Rural Property Manager at Sir Richard Sutton Estate Ltd, that a permissive right of way will be made connecting the public right of way BOX/F/10/1 to Boxford High Street via Ownham Plantation.

- 6.56 Policy P1 of the HSADPD provides new standards for residential parking for new development. The new parking policy sets minimum standards for residential parking provision based on location. The site is located within Zone 3 for parking purposes and the parking provided and marked out on the site plan is considered adequate to cater for the mixed use nature of the site. Electric vehicle charging points are required for the residential uses and these must be a minimum of 7kw and can be secured by a condition.
- 6.57 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policies CS13 and TRANS.1 of the Saved Policies of the Local Plan.

### ***Flooding and drainage***

- 6.58 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.
- 6.59 The application site is located within Flood Zone 1, which has the lowest probability of flooding. It is essential that Sustainable Drainage Methods (SuDS) are adopted to mitigate the cumulative impacts of development on flooding within the area and the wider district. A Flood Risk Assessment and amended Drainage Strategy have been submitted and been reviewed by the Local Lead Flood Authority (LLFA).
- 6.60 The LLFA concluded that they will require additional information from the applicant to ensure the SuDS will work effectively. In addition the Local Lead Flood Authority were concerned with the environmental effects from the proposed development. Despite the submitted details and the proposed drainage infrastructure within the overall scheme, the LLFA are comfortable with a condition being attached to any planning permission.
- 6.61 Based on the considerations by the LLFA Officers and subject to the recommended conditions, it is considered that the proposal could comply with the NPPF and Policy CS16.

### ***Water / Sewerage infrastructure***

- 6.62 Thames Water is the statutory sewerage undertaker responsible for maintaining the water and waste water infrastructure in the local area. Thames Water do not raise any objections to the proposed development subject to a condition requiring that Petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 6.63 Overall, it is considered that the development could comply with Policy CS5 of the WBCS.



### ***Biodiversity, Geodiversity and Green Infrastructure***

- 6.64 Core Strategy Policy CS17 (Biodiversity and Geodiversity) states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Potential harm to biodiversity and geodiversity has been identified with the proposed development and adequate mitigation has been sought by the Council's Ecologists.
- 6.65 Policy CS17 also states that, in order to conserve and enhance the environmental capacity of the District, new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 6.66 The submitted plans indicate that the applicant has control over a much wider area within the blue line of the submitted plans. However the change of use consideration is for the area within the red line as indicated on the location plan.
- 6.67 An updated Arboriculture Impact Assessment and plans by Tree Frontiers Ltd have been submitted. These have been reviewed by the Tree Officer and are considered acceptable. These submissions were considered to cover a greater part of the site than the earlier submissions by Hillside Trees Ltd. The Council's Tree Officer also noted that the two trees highlighted for removal by the applicant had already been felled.
- 6.68 The deep sand area, gallop and various walkways are all set back as far as possible from the Root Protection Areas of the trees on the site. Additional protection measures are provided in the submission with regard to a crossing point near the veteran Oak tree number T038.
- 6.69 An updated Arboriculture Method Statement and Tree Protection Plan has also been submitted. The Council's Tree Officer has indicated that these details are acceptable and may be secured by the recommended conditions. A thorough management regime should be implemented to ensure successful establishment. The Tree Officer has no objections to the application and the submitted details subject conditions.
- 6.70 The Council's Nutrient Officer has indicated that the production of manure and urine from the stabling of 45 horses will result in significant nutrient loads.
- 6.71 There are three separate parcels of Priority Habitat within and adjacent to the application site including Ownham Plantation. These woodlands were mapped and described in the Ecological Appraisal submitted by Crossman Associates. Initially no consideration of the potential effects of the proposed development on these areas of Priority Habitat had been made. However this was addressed as the application progressed.
- 6.72 Bat surveys have been undertaken in accordance with the relevant professional practice guidance and confirmed two bat roosts: common pipistrelle and brown long-eared in two of the site buildings (exact location withheld). Mitigation in the form of alternative roost provision was required and this was provided and outlined in the updated Ecological Appraisal.

- 6.73 The submitted planning application has been assessed by the Council's Ecologist in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations, 2017 (known as the Habitats Regulations) which requires a Habitats Regulations Assessment (HRA) is made of all plans and projects requiring consent. West Berkshire Council is the local planning authority for the purposes of this planning application and is therefore the competent authority with duties set out under the Habitats Regulations. The Habitats Regulations Assessment is attached to the report at **Appendix 1** and has been published to the Planning Website.

#### *Bat Mitigation Strategy*

- 6.74 A Bat Mitigation Strategy has been submitted in support of the application. It includes detailed proposals for the creation of a replacement bat roost in one of the barns. The proposed design for the replacement bat roost will be able to support brown long-eared bats (and pipistrelle bats). This was considered satisfactory.

#### *Lighting strategy*

- 6.75 The submitted farmyard layout plans (drawing No. F1630/101/C) propose a range of artificial lighting to the stable yards and areas around the stables. These includes wall mounted downlights and wall mounted lighting. Further details including an isolux drawing will be required and this can be secured by condition.

#### *Reptile Mitigation Strategy and Replacement Reptile Habitat*

- 6.76 Replacement reptile habitat totalling approximately 0.126ha has been proposed and this has been considered satisfactory in terms of size and location. The future management of this reptile mitigation area will need to be included within an overarching Landscape Ecology Management Plan (LEMP).

#### *Dormouse*

- 6.77 Additional information has been submitted on the dormouse survey undertaken in connection with the planning application.

#### *Barn Owl*

- 6.78 Additional surveys and an assessment of the potential effects on barn owls was submitted as previously requested. The surveys have confirmed that the two barn owl nest boxes erected as replacements both had evidence of recent use including droppings and pellets. Further surveys are now required during the breeding season and will be secured by condition.

#### *Biodiversity Net Gain (BNG)*

- 6.79 A revised BNG has been submitted. The Ecologist has indicated that the submitted proposals for landscape and ecological mitigation and enhancement, if fully and effectively implemented will result in a biodiversity net gain in total of just over 10%. This is considered acceptable.

## ***Nutrient Mitigation and Management***

- 6.80 At the request of the Nutrient Neutrality Officer, the applicant submitted actual measures of phosphorous within the soils of the application site taken from a grid of representative locations reflecting the current main land uses of pasture grazing and arable cultivation and with triplicate samples from each location. This provided a baseline assessment of phosphorous levels in the soils currently.
- 6.81 At the direction of the Nutrient Neutrality Officer, a Nutrient Management Plan was submitted to outline the following points:
- Proposed management of all animal wastes;
  - Proposed management of the land within the application site;
  - Proposed monitoring of the land within the application site to demonstrate how the use of the site for the training of race horses is affecting phosphorous levels in comparison to the baseline levels established.
  - Requirement for regular re-testing of soils for phosphorous (by a suitably qualified and competent person) in years 1,3 and 5 following the commencement of the use of the site for the stabling and training of horses if planning permission is granted
  - Further remediation measures for phosphorous will be required if these tests show that phosphorous levels are increasing.
  - The Nutrient Management Plan was required to indicate an amended plan of the proposed stable buildings to show details of the rubberised concrete flooring. In addition
  - The floors of the stable buildings should include drainage gullies leading to grated drains linking them to the proposed wash down cesspool (below ground tank) so that when the stables are cleaned out the run off from the cleaning drains into the cesspool and not the surface water drainage system.
  - The Nutrient Neutrality Officer directed that the contents of the cesspool must be treated as waste and removed from the site for treatment at an appropriate licensed facility as outlined in the submitted Waste Management Strategy.
  - All manure must be collected from the site by a licensed waste carrier on a regular basis to be agreed. This should be a minimum of once each week for the proposed 45 horses are likely to produce between 5-6 tonnes of manure each week.
  - ALL manure must be transported and deposited at a licensed waste disposal facility or one that does not require a licence and OUTSIDE the catchment of the River Lambourn SAC.
  - All manure from paddocks and gallops will also need to be collected on a regular basis (at least once each week) and stored with manure from mucking out the stables and again removed from site.
- 6.82 A Nutrient Management Strategy has now been submitted in support of the application. The strategy is intended to demonstrate how additional nutrient loads resulting from the proposed use of the site will be neutralised.
- 6.83 The strategy seeks to avoid any accumulation of phosphorous by removing the main sources including horse manure and liquid wastes from the stables and manure from the gallops, both from the application site and from the catchment of the River Lambourn. The Council's Nutrient Officer has indicated that this is a satisfactory approach and one that the LPA would advocate for all new equine developments.

- 6.84 Subject to this Management Strategy being made the subject of a legally binding Section 106 planning agreement and subject to the completed Habitats Regulations Appropriate Assessment by the LPA (**Appendix 1**), being approved by Natural England as concluding that there would be no adverse effect on the integrity of the River Lambourn SAC, this is an acceptable approach to avoiding phosphorous pollution to the River Lambourn SAC and one that would enable the LPA to be able to grant planning permission.
- 6.85 The Habitats Regulations Appropriate Assessment by the LPA (**Appendix 1**) has been sent to Natural England for its agreement, as required by regulations. Natural England have been granted 21 days to provide comments, and this gives a deadline of 28<sup>th</sup> June 2023. There is, however, sufficient confidence in light of the Nutrient Neutrality Officer's assessment to bring this application to committee with the proposed recommendation.
- 6.86 A revised drainage scheme has also been submitted that proposes the separation of contaminated flows from uncontaminated run off. The contaminated flows (including those from stable yards and wash-down areas) are to be directed to a 22,000 litre below ground cesspool tank from which it can be removed from the site by tanker. The uncontaminated flows are to be directed to an infiltration basin. The effective separation of contaminated and uncontaminated flows was an essential requirement by the Council's Nutrient Officer for the control of pollution and to meet the requirements for pollution control within a Nitrate Vulnerable Zone. The Habitats Regulations Assessment measures will need to be incorporated in the final SUDS measures in discharging the SUDS condition.
- 6.87 It is important for Members to note that the recommendation before them is subject to no objections being received from Natural England in relation to the Habitats Regulations Appropriate Assessment by the LPA (**Appendix 1**). If the Appropriate Assessment is agreed, then the recommendation for approval would be engaged subject to the completion of the section 106 legal agreement to secure the Nutrient Management Strategy.
- 6.88 Considering the above, the proposed development could be compliant with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and the Habitats Regulations.

### ***Representations***

- 6.89 The Parish Council and members of the public have submitted representations as outlined at Section 4 of this report. The relevant planning matters raised by objectors, supporters and those impartial have been addressed within this report, as such these have not been repeated here.
- 6.90 The residents of Ownham have been granted permissive right of way by the Sir Richard Sutton Estate Ltd to connect the public right of way BOX/F/10/1 to Boxford High Street, via Ownham Plantation.

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

- 7.1 The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal.
- 7.2 Officers consider that the proposal will make a contribution to the wider economic dimensions of sustainable development and will support the racehorse industry. The development will improve on the provision of existing racehorse industry facilities. With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding AONB area and the River Lambourn SAC has been assessed as part of this application. Officers considered that the proposal sufficiently respects and preserves the existing natural environment through measures to protect and enhance green infrastructure, the River Lambourn SAC and biodiversity habitats. The proposal will also be in keeping with the prevailing pattern of development within the area. Officers consider that the proposal makes no significant contribution to the wider social dimensions of sustainable development. However social aspects include the provision of amenity. As the landscape amenity and neighbouring amenity aspects have been found to be acceptable the proposed development would constitute sustainable development.
- 7.3 For the above reasons, Officers consider that the proposed development is supported by the presumption in favour of sustainable development.
- 7.4 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert technical consultation provided, Officers consider that the development proposed is considered acceptable and is recommended for approval subject to the conditions listed at Section 8 of the report.
- 7.5 This decision has been considered using the relevant policies related to the proposal. These are; NPPF, ADPP1, ADPP5, CS1, CS5, CS9, CS10, CS12, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the Supplementary Planning Document Quality Design (June 2006).

## **8. Full Recommendation**

- 8.1 Delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below, and subject to:
- a) Satisfactory completion of the Appropriate Assessment; and
  - b) The completion of a satisfactory Section 106 Planning Obligation securing the Heads of Terms detailed below by 21<sup>st</sup> September 2023 (or such longer period that may be authorised by the Development Control 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 Control Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

### ***Heads of Terms for Section 106 Agreement***

#### **1. Ecological and Nutrient Neutrality Management**

The Section 106 legal agreement will be required to secure the implementation of the following requirements:

1. Manure collection and removal –The applicants will undertake to ensure that all manure from the stables (and other indoor and outdoor spaces where horses are kept for training, treatment or assessment) is regularly collected and removed both from the application site but also from the Lambourn catchment by a licensed waste carrier so as to avoid any additional phosphorous leaching into groundwaters from animal wastes;
2. All contaminated waters including those from the stable floors, the manure heap, the stable yards and horse washdown facilities etc. will be drained and treated separately to the uncontaminated surface water flows from e.g. the roofs of the new buildings and the hard-standing areas. Contaminated waters will not be allowed to be infiltrated into the ground but will be conveyed through pipe networks to an impermeable lagoon from where it will be regularly removed from the site and from the Lambourn catchment by a licenced waste carrier for appropriate remedial treatment at a suitable licensed facility;
3. Areas of the application site from which manure is collected (to include all stables and yards and exercise gallops and walkways and grazing paddocks);
4. The minimum frequency of these collections (based on best practice guidance e.g. from the British Horse Society so daily removal from stables and at least twice weekly from grazing pasture);
5. Areas where it is to be temporarily stored pending removal from the application site and these must meet the following requirements:
  - temporary piles of horse manure must not be stacked where there is risk of it draining :to nearby drains in fields; within 10 metres of a watercourse, for example a stream or river or within 50 metres from a spring, well or borehole that supplies water for people to drink);
6. Collection of liquid wastes including urine from the storage lagoon;
7. Minimum frequency of collection and removal from the application site (and from the catchment of the River Lambourn) of all manures and liquid wastes from stables;
8. Requirement for all manure and liquid wastes to be removed by an EA licensed waste carrier (with proof required to be submitted and appended to the agreement and updated if the waste carrier changes);
9. Requirement for all manure and liquid wastes to be deposited or treated at a licensed waste facility that is both outside the Lambourn catchment and within West Berkshire (with proof required to be submitted and appended to the agreement and updated if the waste facility changes);
10. Baseline soil tests to establish the soil phosphorous level before the

permitted use commences and repeated soil testing to demonstrate that phosphorous levels have not significantly increased post development (need a reasonable frequency e.g. once a year for the first 3 years and then once every 3 years).

11. Annual report of the amount of manure wastes removed from the application site by the licensed waste carrier.

## **2. Council's Costs**

- To pay the Council for the reasonable legal costs incurred in the review, negotiation, preparation and execution of the section 106 legal agreement through an administration fee

### ***Schedule of Conditions***

#### **1. Approved plans**

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

Received on 05 October 2021:

- Flood Risk Assessment and SUDS
- Landscape Visual Impact Assessment
- Proposed stable barn plans and elevations drawing No F1630/111/ REV A
- Proposed office plan and elevations drawing No F1630/112/ REV A
- Proposed Lads room and colours room plans and elevations drawing No F1630/114/ REV A

Received on 23 February 2022:

- Tree Survey
- Tree Constraints Plan
- Arboriculture implication plan
- Arboriculture impact Assessment (Tree Frontiers)
- Tree Protection Plan
- Amended Location Plan drawing No F1630/LOC/ REV D

Received on 10 March 2022:

- Tree and planting schedule 042 210
- Tree planting plan drawing No 042 250
- Planting plan 2 drawing No 042 255
- Arboriculture implications plan
- Horizontal illuminance plan REV P02
- Technical note – Lighting

Received on 28 March 2023:

- Amended proposed site plan drawing No F1630/100/ REV I
- Amended proposed site plan area 1 – farm yard drawing No F1630/101/ REV C

- Amended proposed site area 2 – lunge pen, horse walker, paddocks drawing No F1630/102/ REV C
- Amended proposed new vets area, feed store, rug room, 5No stables drawing No F1630/113/ REV B
- Amended Barn Owl Assessment
- Amended Bat Strategy
- Amended Nutrient Management Strategy
- Amended Reptile Strategy

Other documents and plans:

- Transport Statement Received on 06 October 2021
- Proposed Area 3 – deep sand arena, sand rolling circles and warm up area drawing No F1630/103/ REV A received on 06 October 2021:
- Amended Applicant Supporting Statement received on 10 December 2021:
- Historic desk based assessment Received on 14 December 2021:
- Amended proposed area 4 – main entrance gates drawing No F1630/104/ REV D received on 14 January 2022:
- Archaeology Written Scheme of Investigation received on 22 February 2022
- Construction Management Statement and site plan received on 28 February 2022:
- Storm Network Modelling received on 04 March 2022:
- Applicant response to Ecology received on 11 May 2023:

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

## 2 **Schedule of the materials**

Irrespective of the details submitted with the application, additional construction of the buildings and hard surfaced areas shall not take place until a schedule of the final materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application or at the site. The appearance of the materials shall be provided in the schedule. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the final external materials are visually attractive and respond to local character. 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 Supplementary Planning Document Quality Design 2006.

## 3 **Use of the residential accommodation**

The use of the residential accommodation hereby permitted (Head Lads' Dwelling) shall not commence until all of the equestrian yard facilities have been completed as the first phase of development. Thereafter the residential accommodation shall be used solely in relation to the operation of the racehorse training facility at Ownham Farm, Upper Farm, Ownham, Newbury.



Reason: To ensure the accommodation is first used once the racehorse training facility has been constructed. To protect against an isolated dwelling. The dwelling shall then be used in association with the needs of the racehorse training facility. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12 and CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

#### **4 Dwelling occupation**

The occupation of the dwelling hereby permitted (Head Lads' Dwelling) shall be limited to a person solely or mainly working (or retired through old age or ill health) in the operation of a racehorse training facility at Ownham Farm, Upper Farm, Ownham, Newbury, or a widow or widower of such a person and to any resident dependants.

Reason: A dwelling use in this location is acceptable because it provides essential accommodation for a rural worker in the locality. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS1 and CS12 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the Housing Site Allocations DPD 2006-2026.

#### **5 Site use**

The whole site known as Ownham Farm, Upper Farm, Ownham, Newbury, as outlined in the location plan red line, including all buildings (inclusive of the dwelling) hereby permitted shall remain for use as a racehorse training facility in conjunction with the racehorse industry. The buildings shall not be used as a separate residential unit, offices or any other uses within Use Class E (Use Class Order 2020), sold/leased/rented or used as a separate unit or commercial yard, and no separate curtilage shall be created other than permitted in this approval.

Reason: Any other use may not be acceptable on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007 and Supplementary Planning Document Quality Design 2006.

#### **6 Restriction on externally stored equestrian paraphernalia**

No materials, goods, plant, machinery, equipment, storage containers, waste containers or other items of equestrian paraphernalia shall be stored, processed, repaired, operated or displayed in the open land on the site.

Reason: To ensure the scale and intensity of the development is appropriate to its location in the interests of visual amenity in AONB and highways safety. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS12, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

#### **7 Hours of work (demolition and construction)**

No demolition and construction works shall take place outside the following hours:

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.

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).

## **8 Arboricultural Method Statement**

The Arboricultural Impact Assessment and tree protection measures within Tree Frontiers Arb Impact Assessment ref: 93-OWN-RPT-AIA dated February 2022 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment.

No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site. This condition is applied in accordance with the objectives of the NPPF and Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

## **9 Scheme of landscaping**

All landscape works shall be completed in accordance with the submitted plans, reference SLD drawing numbers 042 250 and 042 255 and 042 210 Plant Schedule dated Oct 2021. The approved landscaping plan shall be implemented within the first planting season following completion of development.

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.

Reason: 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. This condition is applied in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

## **10 Boundary treatments details**

The development hereby permitted shall not be first used 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.

Reason: The boundary treatment is an essential element in the detailed design of

this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

## **11 Sustainable drainage measures**

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;
- c) Include a drainage strategy for surface water run-off within the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority. No wash-down flows are permitted to enter the surface water drainage system;
- 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 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 pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain;
- i) 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;
- j) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;

k) 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;

l) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);

m) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;

n) 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;

o) Include 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), to be submitted immediately following construction to be approved 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.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced 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.

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. The 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 further development takes place. 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).

## **12 Spoil management**

Irrespective of the submitted plans, no further development works shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

(a) Show where any spoil to remain on the site will be deposited;

- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the AONB area. Insufficient final details are submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

### **13 Plant, machinery and equipment**

All plant, machinery and equipment installed or operated in connection with the carrying out of the development hereby approved (including for the Horse walkers) shall be so enclosed and attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level, or 10dB[A] if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

Reason: To protect the occupants of nearby residential properties from noise. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **14 Access Horse related vehicles and other larger vehicles**

Access to the site by horse related vehicles and other larger vehicles including horse related service, delivery and articulated vehicles shall be via the High Street entrance. None of these vehicles shall access the site from the Ownham Village secondary access. The Ownham Village secondary access shall be used only for access to the Head Lads dwelling.

Reason: In the interests of road safety and to protect the amenity of Ownham Village residents. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **15 Parking and turning in accordance with plans**

The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of vehicles at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16 Motorcycle and Cycle parking**

The use shall not commence until the motorcycle and cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of motorcycles and cycles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991- 2006 (Saved Policies 2007).

## **17 Construction Method Statement**

The development hereby approved shall be constructed in strict accordance with Construction Method Statement and Site Plan received on 28 February 2022. The development shall be carried out in accordance with the approved details.

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 CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## **18 Passing places**

The development shall not be first brought into use until details of the updated plan of the proposed passing places have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the passing place has been constructed in accordance with the approved drawing(s).

Reason: 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).

## **19 Surfacing of access**

Irrespective of the submitted plans, the surfacing arrangements for the vehicular access(es) to the highway shall ensure that bonded material is used across the entire width of the access(es) of 4.8 metres and for a distance of 6 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

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).

## **20 Visibility splays before development**

No further development works shall take place until visibility splays of 2.4 metres by 160 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests 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).

## **21 Electric Charging Point**

The development shall not be first brought into use until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the electric vehicle charging points have been provided in accordance with the approved details. The charging points shall thereafter be retained and kept available for the charging of electric vehicles.

Reason: To promote the use of electric vehicle. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## **22 Landscape and Ecological Management Plan (LEMP)**

No further development works shall take place on the site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. Prior to the completion of site access works of the development. The content of the LEMP shall include the following.

- 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, together with a plan of management compartments;
- 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 organisation responsible for implementation of the plan;
- h) Monitoring measures to demonstrate that the aims and objectives of management are being achieved including:
  - Identification of adequate baseline conditions prior to the start of development;
  - Methods for data gathering and analysis;
  - Location of monitoring and timing and frequency of monitoring;
  - Responsible persons and lines of communication.
- i) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged. 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. 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. The approved plan will be implemented in accordance with the approved details.

Reason: The LEMP is necessary to ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessment. A comprehensive LEMP will also ensure that interrelated landscape and ecological proposals are delivered and managed in a holistic manner. To ensure that habitats are protected and enhanced in the best way possible and that the planting can become as established as possible. The detailed LEMP is required before commencement of development because insufficiently detailed information has been submitted at the application stage, and it may include measures that require implementation during the construction phase. This condition is applied in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

## **23 Updated Ecological Appraisal**

In the event that no further development has been undertaken 3 years from the date of this permission, no development shall take place until updated Ecological Appraisal for Bats, Barn Owls, Dormouse and Reptiles have been submitted to and approved in writing by the Local Planning Authority, together with any additional surveys recommended by the updated Ecological Appraisal. The updated surveys shall be used to inform the mitigation measures for this development.

Reason: If further development has not been commenced by the end of March 2026 the ecological appraisal should be updated. This is because the latest ecology assessment reports were dated March 2023 and many of the species considered during the current surveys are highly mobile and the ecology of the site is likely to change over this period. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **24 Bat Mitigation strategy**

The development shall not be first brought into use until:

- The replacement bat roost detailed in the Bat Mitigation Strategy (21/02529/COMIND: Bat Mitigation Strategy. 22nd March 2023. Crossman Associates) and illustrated in drawing number F1630/113/B has been constructed and shall be retained throughout the life of the stable buildings; and
- The three further bat roosting boxes detailed in the Bat Mitigation Strategy (21/02529/COMIND: Bat Mitigation Strategy. 22nd March 2023. Crossman Associates) has been erected and shall be retained throughout the life of the stable buildings.

Reason: To ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessments and to ensure the biodiversity net gains are achieved as projected in the long term. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **25 Biodiversity Monitoring Strategy**



Within 3 months of the date of planning permission being granted, a biodiversity monitoring strategy shall be submitted to and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to:

1. Establish the effectiveness of ecological mitigation and enhancement measures and demonstrate the level of biodiversity net gain achieved;
2. Establish the effectiveness of mitigation measures for roosting bats;
3. Establish the effectiveness of mitigation measures for barn owls;
4. Establish the effectiveness of mitigation measures for reptiles.

The content of the strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose above;
- b) Identification of adequate baseline conditions prior to the start of development;
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- d) Methods for data gathering and analysis;
- e) Location of monitoring;
- f) Timing and duration of monitoring;
- g) Responsible persons and lines of communication;
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Local Planning Authority every other year for the first five years (years 1,3 and 5) from the date of approval of the monitoring strategy by the Local Planning Authority. The monitoring report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **26 Impermeable surface to the stable floors**

The development shall proceed in accordance with the concrete slab with a welded rubber matting overlay (Quattro stable mats) as outlined within the email response received 28th March 2023 included this link:

<https://www.quattrorubberandresin.co.uk/product/standard-stable-mats-rubber-flooring/>

- Revised and Updated Drainage Plan – Ref. WCI drawing 25T513-01-PO2
- The Manure Storage Facility

The manure, soiled soil, wood chips etc. will be taken to a store located to the south of the proposed new stables. The store will be a container that will be taken off site for disposal. The container will be located on a concrete slab with a centralised fall to a gully to capture any leachate and will be connected to the cesspit/slurry tank. The store and slab will also be covered with a canopy to ensure there is reduced surface water intake into the system. See attached updated WCI drawing 25T513-01.

Reason: To ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessments and to ensure the biodiversity net gains are achieved as projected in the long term. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

## **27 External lighting**

The stable buildings shall not be used until a lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- 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, e.g., for foraging.
- 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.

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 to consent from the Local Planning Authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed or discouraged from using their breeding and resting places, established flyways or foraging areas. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

## **28 Reptile Mitigation strategy**

The development shall not be first brought into use until the reptile mitigation area shown in the Reptile Mitigation Strategy (21/02529/COMIND: Reptile Mitigation Strategy. 22<sup>nd</sup> March 2023. Crossman Associates) has been established as described in the reptile mitigation strategy. The reptile mitigation area shall be retained throughout the life of the authorised use.

Reason: To ensure the adequate protection and conservation of protected species and habitats on the site, and to achieve the specific recommendations of the submitted Ecological Assessments and to ensure the biodiversity net gains are

achieved as projected in the long term. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

**29 Biodiversity Mitigation and Enhancement Plan:**

The development shall not be first brought into use until a Biodiversity Mitigation and Enhancement Plan (BMEP) addressing ecological mitigation and biodiversity enhancement of the site has been submitted to and approved in writing by the local planning authority. The BMEP shall demonstrate how biodiversity losses are to be mitigated for and how biodiversity net gain is to be delivered and include the following:

- a) Purpose and conservation objectives for the proposed works including restoring and creating suitable habitat and features for reptiles, hedgehog, foraging bats and barn owls and breeding birds and replacement tree planting;
- b) Detailed design(s) and/or working method(s) to achieve stated objectives;
- c) Extent and location of proposed mitigation and enhancement measures on appropriate scale maps and plans;
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- f) Persons responsible for implementing the works;
- g) Details of initial aftercare and long term maintenance;
- h) Details for monitoring and remedial measures.

The BMEP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the losses of biodiversity can be compensated for and a net gain in biodiversity delivered in accordance with the requirements of the NPPF, July 2021, and that the proposed design, specification and planting can demonstrate this. This condition is applied in accordance with the statutory provisions relating to the protected species and habitats on the site, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

**30 Petrol / oil interceptors**

The development shall not be first brought into use until details of petrol / oil interceptors to be fitted in all car parking areas are submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained and maintained thereafter as the approved details.

Reason: To ensure the protection of the watercourses within the area from potential pollutants. The approval of this information is required before development commences because insufficient information accompanies the application and the details of petrol / oil interceptors must be in place before construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS16 of the West Berkshire Core Strategy (2006 - 2026), and Policies OVS.5 of the West Berkshire District Local Plan 1991 -2006 (Saved Policies 2007).

### 31 **Programme of archaeological work**

No further development work shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work (a watching brief) in accordance with the submitted written scheme of investigation by Wessex Archaeology titled 'Upper Farm, Ownham, Boxford, West Berkshire: Written Scheme of Investigation for Archaeological Watching Brief' (February 2022, 2nd Draft). The programme of work shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved programme.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. The condition is applied in accordance with the National Planning Policy Framework and Policy CS19 of the West Berkshire Local Plan (2006-2026).

#### ***Refusal Reason in the event the S106 is not completed***

##### **1. Refusal reason**

#### **S106 Planning Obligation Refusal Reason**

The development fails to provide an appropriate scheme of works or off-site mitigation measures to mitigate the impact of the development on the River Lambourn Special Area of Conservation (SAC) and the Nutrient Impact Zone. In the absence of such, the proposed development would result in a likely significant effect on the River Lambourn SAC Site and if approved could result in an adverse effect on the integrity of this Habitats Site. Therefore, without the submission of a satisfactory scheme of mitigation (i.e. one that can demonstrate the nutrient neutrality of the proposed development) the Council cannot consider approving this application as to do so would be contrary to Regulation 63 of the Habitats Regulations.

The application is not accompanied by sufficient information in this respect, therefore the development fails to accord with the Conservation of Habitats and Species Regulations 2017 (as amended), the Written Ministerial Statement of 20 July 2022, Policy CS17 of the West Berkshire Core Strategy 2006-2026, and the National Planning Policy Framework.

#### ***Informatives***

##### **1. Approval - Objections/Support received**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the

economic, social and environmental conditions of the area.

## **2. Access construction**

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

## **3. Damage to footways, cycleways and verges**

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.

## **4. Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

## **5 Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or [highwaymaintenance@westberks.gov.uk](mailto:highwaymaintenance@westberks.gov.uk)

## **6 Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

## **7 Thames Water - existing water mains**

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>

## **8 Construction noise**

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](mailto:ehadvice@westberks.gov.uk), call 01635 519192, or visit <http://info.westberks.gov.uk/environmentalhealth>.