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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 21 JUNE 2023

Councillors Present: Adrian Abbs (Chairman), Clive Hooker (Vice-Chairman), Phil Barnett, Dennis Benneyworth, Patrick Clark, Heather Codling, Carolyne Culver, Tony Vickers and Howard Woollaston

Also Present: Emma Craig (Housing Development and Enabling Officer), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Phil Lomax (Nutrient Neutrality Officer), Kim Maher (Solicitor), Masie Masiwa (Senior Planning Officer), Simon Till (Development Control Team Leader), Russell Davidson (Senior Scientific Officer), Jack Karimi (Democratic Services Officer)

PART I

3. Minutes

The Minutes of the meeting held on 1 March 2023 were approved as a true and correct record and signed by the Chairman.

The Minutes of the meeting held on 25 May 2023 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

Councillors Dennis Benneyworth and Tony Vickers declared an interest in Agenda Items 4(1), 4(2) and 4(3), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

5. Schedule of Planning Applications

(1) Application No. and Parish: 21/02529/COMIND, Ownham Farm, Newbury, RG20 8PL

Councillors Dennis Benneyworth and Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that the site was situated within their ward. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied on Agenda Item 4(1).

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/02529/COMIND in respect of Ownham Farm, Newbury, RG20 8PL.
2. Mr Masie Masiwa, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director of Development and Regulation be authorised to grant planning permission, subject to the conditions

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outlined in the main and update 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 was not completed by 21 September 2023, or such 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.

3. Mr Phil Lomax, Nutrient Neutrality Officer, addressed the Committee regarding the objection raised by Natural England, stating that the Council was required to undertake a Habitats Regulation Assessment due to the export load of phosphorous being above baseline levels. The conclusion of the Habitats Regulation Assessment was that the development would not result in any adverse effect on the integrity of the River Lambourn. Natural England had objected to that conclusion. Mr Lomax stated that the objection was an unusual step for Natural England to take rather than request further information from the Council, but that he was confident that those objections were based on misunderstandings and could be addressed.
4. The Chairman asked Mr Paul Goddard, Highways, if he had any observations relating to the application. Mr Goddard stated that the main access to the site was via the high street, and that the access complied with all Council standards in regards to width and sightlines in both directions onto the High Street, which was more than suitable for the expected number of vehicle movements. During horse racing season, it was expected that there would be 16 cars in and 16 cars out per day, some of which would be 3.5 tonne horse boxes or 7.5 tonne lorries for deliveries. The secondary access via Ownham Lane was not suitable due to its width, so a condition had been applied to limit the use of access. The parking and site layout was considered acceptable, and therefore Highways had no objection to the application.
5. In accordance with the Council's Constitution, Mr James Cole, supporter, Mr Harry Derham and Mr Steve Woodward, applicants, and Mr Francesco Della Valle, agent, addressed the Committee on this application.

Supporter Representation

6. Mr James Cole in addressing the Committee raised the following points:
 - The application arrived in April 2021, and was called in as a precaution. Boxford Parish Council then withdrew their objections, preventing the need for it to be called in, but it could not be withdrawn. Mr Cole requested that Members be allowed to withdraw calling in.
 - Mr Cole stated that he was pleased that Members were in support, and that Natural England had objected based on a misunderstanding. Therefore, Mr Cole called on the Committee to support it.
 - Mr Cole stated that the development would be good for Boxford and the racing industry. It would be a good use of the land and the development would not damage the Area of Outstanding Natural Beauty (AONB), instead providing a biodiversity net gain of 10%.

Member Questions to the Supporter

7. Councillor Phil Barnett asked Mr Cole to clarify why he viewed Natural England's objections as a misunderstanding. Mr Cole responded that to his understanding, the information Natural England had based their objection on was out of date.

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8. CouncillorCarolyn Culver stated that the development would increase the used land from 315 square metres to 973, and asked whether Mr Cole believed that increase was too large a footprint for the AONB. Mr Cole responded that he had stated that it was a good conversion of some of the existing buildings.
9. Councillor Clive Hooker asked if Mr Cole remembered what the drawings looked like in the initial 2019 application. Mr Cole responded that he did not.

Applicant and Agent Representation

10. Mr Harry Derham, applicant, in addressing the Committee raised the following points:
 - Mr Derham stated that he had worked in horse racing his entire life, both working for champion trainer Paul Nicholls, and as a professional jockey for three years.
 - Mr Derham stated that he had put his life savings into starting the business, but that training 20 horses within a small yard was not financially sustainable, and there was an urgent need for the expansion.
 - Horse racing was an industry which contributed greatly to the local economy and created numerous jobs, and the benefits of a horse racing yard would generate a ripple effect throughout the local area.
 - The horse racing yard would promote equestrian activities and opportunities within the community, particularly for young people.
 - The planning application outlined measures to provide spacious, well-maintained stables, ample exercise areas and veterinary facilities, with high standards for ethical treatment.
 - Mr Derham noted that West Berkshire Council? had a strong reputation for supporting the horse racing community.
11. Mr Steve Woodward, applicant, in addressing the Committee raised the following points:
 - The buildings were largely completed, and Mr Woodward stated that they were in character for the area and in line with what was there before.
 - In response to concerns that the buildings were larger, Mr Woodward stated that the size was necessary to house 40 stables. Rather than having individual stables, they would prefer the American barn model of putting the stables together, which was easier for staff and horses.
12. Mr Francesco Della Valle, agent, in addressing the Committee raised the following points:
 - Mr Della Valle stated that the applicants were pleased that Planning had recommended approval, and that they were happy to agree to the conditions.

Member Questions to the Applicant and Agent

13. Councillor Tony Vickers noted that only a small proportion of the agricultural land was being used for the development, and asked what would be done to improve agricultural use on the remainder of the land. Mr Derham responded that he did not own the agricultural land, which was owned by the Sutton Estate, but that they had a good relationship and he was working with them to ensure that the agricultural land was kept appropriately.

Ward Member Representation

14. Councillor Tony Vickers in addressing the Committee raised the following points:

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- Councillor Vickers was alerted to the fact that some objectors had raised the impact on the rights of way, and access to the High Street. Councillor Vickers stated that he would like to know whether the permissive right could be conditioned, but that he was pleased that the landowner was allowing for access onto the land.
- Councillor Vickers noted that he had been reassured from visiting the site that the development would not impose upon or impact the views of the AONB, and that he could assure Members of that.

Member Questions to the Ward Member

15. Members did not have any questions of clarification.

Member Questions to Officers

16. Councillor Dennis Benneyworth noted that the site was formerly a dairy farm, and asked whether it could continue to be used as a dairy farm if the ability arose. Mr Masiwa responded that a dairy farm would require a change of use case back to agriculture, but it would be possible. Mr Till responded that the remainder of the land was for agricultural use, and cattle grazing would be within the use.
17. Councillor Vickers asked whether there was anything in the development, such as the fencing or access roads, which would make agricultural use of the rest of the land more difficult. Mr Masiwa responded that the proposal was considered as it was before Members, and that some of the permanent developments on the site would likely prevent some agricultural use, but it would not prevent a future application to change the use case. Mr Masiwa noted that the majority of the land was retained as agricultural use, and there were access gates on the site which could allow for it.
18. Councillor Hooker asked whether there was a change from the initial application to include the rebuilt hay barn, which had been supposedly demolished and reconstructed due to storm damage in 2019. Mr Masiwa responded that the original application proposed the removal of the hay barn, and the construction of the new stable barn. The initial application was to demolish the existing barn to replace with a larger one, and that was still what was proposed.
19. Councillor Howard Woollaston raised concerns regarding light pollution, and asked whether there was any risk of upward light pollution from the top of the barns. Mr Masiwa responded that a condition was attached to the application which limited external lighting to downward-facing lighting, and that officers were content with the application from a light pollution perspective.
20. Councillor Culver asked Mr Lomax for clarification on how the Council had incorporated Natural England's assessment into the application, and, noting that Natural England had stated that nutrient loading should be revisited, asked how the Council had addressed that. Mr Lomax responded that he did not agree with the objections raised by the officer from Natural England, based on what he had found from the Habitat Regulations Assessment. Mr Lomax noted that a number of points of clarification had been made to the applicant prior to that, and he considered the assessment to be thorough. Mr Lomax pointed out that the objection from Natural England was based on a number of misunderstandings, relating to the proposed drainage scheme from 2021, which had since been superseded by a 2023 iteration.
21. Councillor Culver asked Mr Lomax why Natural England did not have the most recent drainage scheme before them when they considered the application. Mr Lomax responded that they should have had the most recent drainage scheme, but that

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certain aspects of their response, referring to a Pitman drain system, suggested that they were looking at the 2021 iteration.

22. The Chairman asked how they were able to consider the 2021 iteration if it was not part of the current application. Mr Lomax responded that he did not know, and that the Habitats Regulation Assessment was clear that the drainage scheme had been updated.
23. Councillor Hooker asked whether there was a pre-application submission or outline planning application. Mr Masiwa responded that there was not a pre-application submission, or any other planning application related to the site.
24. The Chairman asked why Policy CS15 was not applicable to the application, specifically to Barn 4. Mr Masiwa responded that Policy CS15 was omitted in error, and was applicable to the proposed offices and honours room, but officers considered that the application was initially for conversion of the buildings and that a condition related to BREEAM may be difficult to achieve. A condition was within the update sheet for consideration by the Committee. Mr Till noted that there were requirements of Policy CS15 which applied to the buildings on the site, but officers had to advise that it would have to be considered whether conditions with regards to BREEAM would be reasonable, as the application was retrospective and BREEAM Excellent was difficult to achieve beyond the early planning stage. A condition requiring BREEAM Excellent might render the scheme unviable, but the Committee could consider that as an unauthorised development, the applicant started to build at their own risk.
25. The Chairman asked whether electric vehicle (EV) charging would be applied as a condition at this stage. Mr Goddard responded that it was.
26. Councillor Culver asked whether there were any concerns about the materials which were already part of the site. Mr Masiwa responded that officers were not concerned with the choice of materials, which officers considered to be in keeping with local design. Another schedule of materials had been asked for.

Debate

27. Councillor Benneyworth opened the debate by concurring with Mr James Cole's point that, were it not for the call in, the application would have been approved without the need for it to be considered by the Committee. Councillor Vickers concurred.
28. Councillor Vickers noted that the Committee should be mindful of the fact that, while development was unauthorised, it was done in communication with officers, and was very difficult to object to. Councillor Vickers suggested that a Policy CS15 condition should be included, but consideration should be given to changing the condition if it did not prove to be viable.
29. Councillor Woollaston noted that while BREEAM Excellent was virtually impossible to achieve once construction had started, it should be considered whether a less stringent condition could be more appropriate.
30. Councillor Heather Codling concurred with Councillor Woollaston, noting that the development appeared to be of high quality, and asked whether there were lower certifications than BREEAM Excellent.
31. Councillor Barnett stated that it was very sad that the Committee was put in the situation of having to consider a retrospective application, but that he would be willing to support granting planning permission without a Policy CS15 condition.

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32. The Chairman noted that he was hesitant to agree to a less stringent condition, noting that Policy CS15 was well established and developers should be mindful of it when undertaking any development work.
33. Councillor Culver stated that she was aware that the Council had planning policies relating to local employment and the racing industry, and that the Committee could not consider the hypothetical of having considered the application when it was first submitted. However, Councillor Culver stated, for the record, that the work of the Committee was made very difficult by retrospective applications, as they would be unable to set clear precedent with regards to aspects of the application such as the American barn model. Councillor Culver noted that it was a priority for AONB development to retain the same footprint, which the American barns did not comply with.
34. Councillor Woollaston stated that he intended to propose to accept the Officer's recommendations, but not to condition that BREEAM Excellent be achieved. Mr Till stated that there were other BREEAM standards which could be achieved, such as Good or Very Good, but it was a difficult to determine what level the building would be able to achieve. Mr Till proposed a condition that it be delegated to officers to make such a determination, receiving evidence as to which BREEAM standard the development could achieve, and actions taken to exceed that standard's criteria. Councillor Woollaston accepted the proposed condition from Mr Till.
35. Councillor Hooker stated that he was strongly supportive of the racecourse industry within his ward and the wider district, and that he was aware that the industry was suffering from an inability to diversify. However, Councillor Hooker noted that he thought there was an unwritten policy against the building of American barns within an AONB, and there either needed to be an understanding that there was a precedent in favour of American barns, or the policy needed to be enforced. Councillor Hooker raised doubt that the application had given due consideration to scale and design under Policy CS19, and reminded the Committee that the application had been submitted retrospectively, without a pre-application or outline planning application, effectively as a *fait accompli*.
36. Mr Till responded to Councillor Hooker that he appreciated the issues raised, and understood the concerns. However, each application had to be considered on its own merits, and there was no written policy against American barns within the AONB. However, there was consideration with regards to the landscape character of the AONB. Mr Till noted that the application had been considered at the initial stage and it was found that it did have compliant design and scale.
37. Councillor Culver noted there was a condition regarding bat roosts but not a corresponding condition regarding barn owls, and asked that one be added to ensure the box on site was retained. Mr Till responded that Condition 29 required consideration to be taken regarding barn owls.
38. The proposed additional condition was to require the applicant to submit evidence of what BREEAM measures had been complied with up to the current point of construction, with respect to Barn 4, and to specify what additional measures were possible, and not to take into occupation that barn until those measures, as approved by delegation to officers, were carried out.
39. Councillor Howard Woollaston proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, comments from Natural England with regard to the Habitats Regulation Assessment, and the completion of a Section 106 legal agreement as a

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planning obligation to secure the Habitats Regulation Assessment recommendations. This was seconded by Councillor Tony Vickers.

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

RESOLVED that the Service Director for Development and Regulation be authorised to grant planning permission subject to the following conditions:

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

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- 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

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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

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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

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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.

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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

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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

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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-

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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

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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.

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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. 22ndMarch 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. 22ndMarch 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

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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:

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<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).

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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. 22nd 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

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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.

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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

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

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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, call 01635 519192, or visit <http://info.westberks.gov.uk/environmentalhealth>.

(2) Application No. and Parish: 22/02695/MDOPO2, Land South Of Priory Road, Hungerford

Councillors Dennis Benneyworth and Tony Vickers declared a personal interest in Agenda Item 4(2) by virtue of the fact that the site was situated within their ward. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied on Agenda Item 4(2).

41. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/02695/MDOPO2 in respect of Land South of Priory Road, Hungerford.
42. Mr Simon Till, Team Leader – Development Control, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director of Development and Regulation be authorised to grant approval of the deed of variation.
43. In accordance with the Council's Constitution, Mr James Cole, Hungerford Town Council representative, addressed the Committee on this application.

Town Council Representation

44. Mr James Cole, Hungerford Town Council, in addressing the Committee raised the following points:

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- Mr Cole noted that Hungerford Town Council thanked the Development Control Manager for calling the application in, as it would allow the decision to be made publicly.
- Mr Cole noted that the Town Council were not experienced in this type of application, but trusted that it was acceptable, and asked the Committee to be satisfied that the shared ownership houses remained shared ownership.

Member Questions to the Town Council

45. Members did not have any questions of clarification.

Ward Member Representation

46. Councillor Dennis Benneyworth in addressing the Committee raised the following points:
- Councillor Benneyworth stated that the application had been called in, and that the issue was mired in legal language not digestible to the general public. By calling it in, the issue could be clarified, and reassured given that the affordable housing clause was clear.

Member Questions to the Ward Member

47. Members did not have any questions of clarification.

Member Questions to Officers

48. Councillor Carlyne Culver asked why the period of disposal set out in Point 1.13.2 was only six weeks long. Mr Till responded that the Council would have the opportunity to retrieve the affordable housing, either to transfer to an RP or hold it itself, within that period.
49. Councillor Culver asked whether the First Homes policy was applicable, considering the fact that the application was approved. Mr Till responded that the First Homes policy was not applicable, as it came into effect after the legal agreement was created.
50. Councillor Tony Vickers asked why this application had come to Committee. Mr Till responded that a number of similar cases had been through the Planning system, and had been approved, but in this case the Town Council had raised concerns.
51. Councillor Howard Woollaston asked whether the Council was disadvantaged in any way by the proposed change. Mr Till responded that it could be argued as the Council was the last resort in case one of the legal agreements did have to be called into action, but the risk was extremely low, and the site would be potentially desirable.

Debate

52. Councillor Vickers opened the debate by stating that he was happy that it was brought to the Committee, and that it provided clarity. Councillor Vickers stated that, on balance, the existence of the agreements were a benefit to the Council as it allowed the Council to ensure that it fulfilled its policy obligations. Councillor Vickers suggested that that be explained in some form by a press release.
53. Councillor Clive Hooker proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Patrick Clark.

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54. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Clark to grant planning permission. At the vote the motion was carried unanimously.

RESOLVED that the Service Director for Development and Regulation be authorised to grant the deed of variation.

(3) Application No. and Parish: 23/00584/OUT, Harefield House and The Gables, Hungerford

Councillors Dennis Benneyworth and Tony Vickers declared a personal interest in Agenda Item 4(3) by virtue of the fact that the site was situated within their ward. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied on Agenda Item 4(3).

55. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/00584/OUT in respect of Harefield House and The Gables, Hungerford.

56. Ms Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director of Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.

57. The Chairman asked Mr Russell Davidson, Senior Scientific Officer, if he had any observations relating to the application. Mr Davidson stated that he had studied the Mediation Statement and held a number of discussions with the applicant, and found the application to be acceptable, and would break the pathway between the contamination and receptor.

58. In accordance with the Council's Constitution, Mr James Cole, Hungerford Town Council representative, Ms Lesley Roberts, objector, Ms Gemma Perry and Mr Simon Langford, applicants, addressed the Committee on this application.

Town Council Representation

59. Mr James Cole, Hungerford Town Council, in addressing the Committee raised the following points:

- Mr Cole stated that on one hand, the site needed to be sorted by the NHBC (National House Building Council), and that they had accepted responsibility. On the other hand, Mr Cole had read the objections, and Hungerford Town Council highlighted the parking issues affecting local residents, and the potential for the spread of contamination during works.
- The Construction Method Statement on Condition 14 could be strengthened, particularly as the process would be long. Mr Cole asked that the Statement be adequate to ensure no further spread of contamination as a result of the works, such as potential air contamination while the earth was removed.
- Mr Cole asked that the condition for parking set out for workers be detailed.

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- Mr Cole noted that Hungerford Town Council was concerned about residual pollution, and noted that NHBC verbally pledged that a barrier would be put in place. Mr Cole requested that that be made a condition.
- Mr Cole noted that the Council might be liable for contamination as a result of malfunction of diggers.

Member Questions to the Town Council

60. Councillor Phil Barnett asked whether the request was for the digging area to be completely encapsulated. Mr Cole responded that it was not, and that he knew from experience that diggers could be messy and spread contamination. Mr Cole added that he was not suggesting a solution, and instead just highlighting the issue.

Objector Representation

61. Ms Lesley Roberts in addressing the Committee raised the following points:

- Ms Roberts stated that it was not acceptable that adjoining properties were not protected as a result of the application.
- Ms Roberts noted that adjoining property owners had already lost land as a result of the works done on the site, with boards put up to prevent loss of the land.
- There was not a party wall survey included as part of the application, which should be included. If 60 centimetres was dug around the property, it was unclear how anything would be able to stand.
- If the application was approved, it should be noted that there was no care placed on the people previously affected by the works.

Member Questions to the Objector

62. Councillor Tony Vickers asked whether the objector lived in the property near Hamblin Meadow. Ms Roberts responded that she did.

63. Councillor Vickers asked whether the difference in levels was to do with the reduction in levels while the properties were being built, and whether that was due to the same contamination issues. Ms Roberts responded that it was.

Applicant Representation

64. Ms Gemma Perry and Mr Simon Langford, NHBC (National House Building Council), in addressing the Committee raised the following points:

- Ms Perry noted that NHBC provided insurance for the initial developer, and were independent from the case, and were only involved from an insurance perspective. The developers submitted a claim in 2019 due to contaminated land, which was accepted as a valid claim.
- The application was just for the removal of the contaminated land, and further claims for remedial development would be considered. NHBC would settle claims with the property owners independently.

Member Questions to the Applicant

65. Councillor Vickers asked whether the Council had remaining liability regarding the site. Ms Perry responded that the residual claims would not affect the Council. Mr Till responded that the insurance claims were not matters for the Committee to consider.

66. Councillor Carolyn Culver asked whether the applicants would be willing to put up barriers between the site and the adjoining properties. Mr Langford responded that a

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barrier would be put up on the boundary, which was already there, and that there was a 'no construction zone' within two metres of the fence line.

67. Councillor Barnett asked whether the applicants were considering some form of encapsulated area to prevent air pollution. Mr Langford responded that the recommendation was to dampen the area with water, to prevent it being lifted into the air.
68. Councillor Dennis Benneyworth asked whether there was any chance the walls could have become contaminated. Mr Langford responded that there was no evidence to suggest that had happened.

Ward Member Representation

69. Councillor Tony Vickers in addressing the Committee raised the following points:
 - Councillor Vickers noted that he did some research into the topic due to discussions with adjoining property owners.
 - He noted that in 2009 an application was brought to the site with no indication of land contamination, but it was mentioned and conditioned in later applications. Enforcement intervened when a local resident raised it as an issue. Councillor Vickers noted that the issues began when the Planning Inspectorate allowed the 2015 application to go ahead over the objections of the Council.
 - Councillor Vickers noted that the applicants should have been monitoring the site while development was ongoing, but that the result was that a number of residents were very concerned that the work to clean the land would disturb the land, which had lead contamination levels 12 times higher than the allowed amount.
 - Councillor Vickers warned that the work would go on for a number of years without support being offered to the residents.
70. Councillor Dennis Benneyworth in addressing the Committee raised the following points:
 - Councillor Benneyworth noted that it was important for the application to be heard in public, and so he had called it in. Councillor Benneyworth called for a robust debate on the application.

Member Questions to the Ward Member

71. Members did not have any questions of clarification.

Member Questions to Officers

72. Councillor Culver noted in Point 4.5 that the work was expected to take 12 months, and asked whether the work would take 12 months or whether that was an approximation. Ms Cutts responded that the applicant had 12 months to commence the work, but it was not clear how long it would take.
73. Councillor Woollaston asked where the contamination came from in the first place. Ms Cutts responded that it was unclear, and might be due to a foundry previously on the site, but that the relevant concern was that there was lead on the site.
74. Councillor Barnett asked how the Council could enforce appropriate conditions to minimise the effect on residents and other parts of the site. Mr Till responded that a schedule of works had been provided, as well as a condition for a Works Management Plan. Mr Till noted that the Plan could be strictly controlled to prevent air pollution and limit movement of vehicles. Planning Enforcement were aware of the site, and the need to undertake remediation works, as well as the Senior Scientific

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Officer. Mr Till noted that he was aware that previous development on the site was troubled, and Enforcement had previously intervened, but that he had confidence that they would intervene if necessary.

75. The Chairman asked whether officers could condition a party wall assessment. Mr Till responded that legislation was different from Planning, and that it could not be conditioned, but that it was likely to be required under that legislation for the applicant to complete their works.
76. The Chairman asked what the Council's powers were in regards to protecting residents. Mr Till responded that additional measures were added to the Construction Management Plan condition to ensure that. Concerns regarding off-site contamination other than airborne could be added to that plan. Mr Davidson added that there were doubts regarding contamination through the wall, due to the low solubility of lead in soil, but that sampling could be done.
77. Councillor Benneyworth asked whether the red line on the application denoted the extent of the contamination monitoring. Mr Till responded that it did not have to, and that the Environmental Health Officer had to be satisfied that monitoring was sufficient and that he could require further monitoring to prevent off-site leaching.
78. Councillor Vickers noted that the application was only looking at contamination within the site, and that it was likely to have extended beyond the site ever since the development started, and asked whether the applicant could be required to mitigate harm beyond the site. Mr Till responded that the application was a starting point for identifying the contamination on the site. If off-site contamination was identified, there might be a larger case for further decontamination works, which would fall under the requirements of environmental legislation. Mr Davidson responded that it might be prudent to take samples beyond the wall to see if the contamination had leached.
79. The Chairman asked whether the Committee had the power to require that sampling. Mr Till responded that it would be outside the remit of the Committee, as the application regarded a specific area.
80. Councillor Clive Hooker noted that there should be a baseline for contamination outside the land, so that it could be ascertained whether the work had made it worse. Mr Till responded that the request was outside the remit of the planning application.

Debate

81. Councillor Vickers opened the debate by stating that there had been changes of level in the Hamblin Meadow area, and that the land was heavily contaminated. Councillor Vickers had concluded that the Committee had to approve the application, but that it was not the end of the story.
82. Councillor Hooker stated that the reason the previous application on the site had been brought to the Committee was due to the fact that the proposed houses were too high, and the application was eventually allowed to go ahead due to an appeal to the Planning Inspectorate. Councillor Hooker stated that the site was the reason why Members were asked to wear personal protective equipment on sites.
83. Councillor Howard Woollaston noted that he was deeply sorry for the residents, but that the best outcome would be to have remediation on the land as soon as possible.
84. Councillor Heather Codling noted that Councillor Culver raised vehicle movements as an issue, and asked whether a condition could be placed to limit movements. Mr Till responded that Condition 14 for the Construction Method Statement would set out a number of points regarding management of parking and vehicle movements, as well as measures to control airborne dust.

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85. Councillor Barnett noted that there should be an appropriate method of disposal of any contaminants. Mr Till responded that the disposal had to be at a licensed site, but that the route to the site was not able to be subject to a condition, and would be very difficult to enforce.
86. The Chairman stated that the Committee was clear that it was doing what it could within the powers that it had.
87. Councillor Howard Woollaston proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Clive Hooker.
88. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Hooker to grant planning permission. At the vote the motion was carried unanimously.

RESOLVED that the Service Director for Development and Regulation be authorised to grant subject to the following conditions:

Conditions

1.	<p>Commencement of development</p> <p>The approved remediation works shall commence within twelve months from the date of this permission.</p> <p>Reason: To ensure an efficient resolution to the breach of the planning conditions for the development</p>
2.	<p>Approved plans</p> <p>The development hereby approved shall be completed in accordance with the following approved plans:</p> <ul style="list-style-type: none"> i) Location plan ii) 1248-1 site survey iii) 0803-14-04 proposed site plan iv) 1506-115 finished floor levels v) 15061-513 plot 1 plans and elevations vi) 15061-510 plot 2 plans and elevations vii) 0803-14-03 proposed garage plans and elevations viii) 1506-104 access surfacing ix) 1506-106 visibility splays x) 1506-107a vehicle parking xi) 1506-113b landscaping xii) 1506-114 section to 3 Waram Close xiii) 1506-116 section to Linden Lea xiv) 1506-128 sections <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Visibility Splays</p> <p>The visibility splays shown on drawing no 1506/106 shall be kept free of all obstructions to visibility to a height of 0.6m above carriageway level.</p> <p>Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>

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4.	<p>Vehicle Parking Spaces</p> <p>The parking and turning spaces show on drawing no 1506/107a shall be kept available for parking (of private motor vehicles and/or light goods vehicles) at all times.</p> <p>Reason: To provide a satisfactory level of off-street parking spaces in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy P1 of the Housing Site Allocations DPD (2006-2026)</p>
5.	<p>Permitted Development Restrictions – windows</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no windows/dormer windows other than ground floor windows in the south-west elevation of the dwelling on the western side of the site (Plot 1); and on the north-east and south-east elevations of the dwelling on the eastern side of the site (Plot 2).</p> <p>Reason: To ensure adequate levels of privacy and to prevent overlooking to neighbouring dwellings. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the Quality Design Supplementary Planning Document.</p>
6.	<p>Boundary Treatments</p> <p>The fencing and other means of enclosure shown on drawing nos 1506/113b, 1506/114, 1506/116 and 1506/128 shall be permanently retained.</p> <p>Reason: To ensure adequate screening of the site in the interests of visual and neighbouring amenity. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the Quality Design Supplementary Planning Document.</p>
7.	<p>Landscaping</p> <p>Within three months of the completion of the remediation works the hard landscaping shown on drawing no 1506/113b has been reinstated in full. Within the first planting season following the completion of the remediation works the soft landscaping shall be implemented in full in accordance with drawing no 1506/113b. Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the approval of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
8.	<p>Ground levels</p> <p>The development shall be completed in accordance with the details shown on drawing nos 1506/114; 1506/115, 1506/116 and 1506/128.</p> <p>Reason: Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy</p>

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	(2006-2026), and the Quality Design SPD (June 2006).
9.	<p>Gates</p> <p>Any gates to be provided as accesses where vehicles will enter or leave the site shall open away from the adjoining highway and shall be set back a distance of at least 5 metres from the edge of the highway.</p> <p>Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p>Use of garages</p> <p>The garages shall be used solely for purposes incidental to the use of the dwellings hereby approved. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garages.</p> <p>Reason: To safeguard the amenities if adjoin land users and occupiers and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.</p>
11.	<p>Hours of Work</p> <p>No remediation works shall take place outside 0730-1800 hours Mondays to Fridays; 0830 to 1300 hours on Saturdays; nor at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
12.	<p>Remediation Works</p> <p>The remediation works hereby approved must be completed in accordance with the Remedial Method Statement and Discovery Strategy dated September 2022 reference 305164 R02(01) by RSK Geosciences received on 9th March 2023. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority, and be dealt with in accordance with the procedures outlined in the approved Remedial Method Statement and Discovery Strategy. Following completion of measures identified in the approved remediation scheme no dwelling shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure that risks from land contamination to the existing and future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and the National Planning Policy Framework.</p>
13.	<p>Obscure glazing</p>

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	<p>The window at the first floor level in the north-west elevation of Plot 1 shall be fitted with obscure glass before the dwelling is occupied. The obscure glazing shall be retained thereafter.</p> <p>Reason: To prevent overlooking of adjacent properties, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).</p>
14	<p>Construction Method Statement</p> <p>No remediation works shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in the remediation works; (e) Temporary access arrangements to the site, and any temporary hard-standing; (f) Wheel washing facilities; (g) Parking of vehicles of residents on Harefield House and the Gables; <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>

Informatives

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
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(The meeting commenced at 6.30 pm and closed at 9.35 pm)

CHAIRMAN

Date of Signature