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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, 19 JULY 2023

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

Also Present: Sharon Armour (Principal Lawyer - Planning & Governance), Masie Masiwa (Senior Planning Officer), Simon Till (Development Control - Team Leader), Jessica Bailiss (Democratic Services Officer), Russell Davidson (Senior Scientific Officer), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Cheyanne Kirby (Senior Planning Officer), Donna Toms (Planning Officer) and Lizzie Reeves (Zoom Host)

Apologies for inability to attend the meeting: Councillor Tony Vickers

PART I

6. Minutes

The Minutes of the meeting held on 21 June 2023 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendment:

- Page 31, paragraph 67, second line, should state: 'Councillor Barnett asked whether the applicants were considering some form of encapsulated area to prevent airborne contamination.'

The Chairman proposed that Agenda Item 4(1), Institute for Animal Health, be moved to the end of the agenda due to the number of members of the public present for items 4(2) Inglewood House and 4(3) Juniper Rise.

7. Declarations of Interest

Councillor Carolyne Culver declared an interest in Agenda Item 4(1) as it related to her ward. Councillor Culver reported that she had not been informed in advance that the item would be placed at the end of the agenda and would therefore make the Parish Council representative aware of this change.

Councillors Adrian Abbs and Dennis Benneyworth reported that they had been lobbied by the Audley Group on Agenda Item 4(2).

Councillor Denise Gaines reported that she had been lobbied by one of the residents regarding Agenda Item 4(2).

Councillor Heather Codling declared an interest in Agenda Item 4(3). Prior to being elected as a District Councillor and Parish Councillor in May 2023, Councillor Codling had objected to the application on West Berkshire Council's website. Councillor Codling felt that she had not pre-determined the decision with regards to the current report and information however, for transparency purposes would leave the meeting during the course of consideration of the matter following making a representation on behalf of the Parish Council and as Ward Member.

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Councillor Howard Woollaston declared an interest in Agenda Item 4(3) as the Architect, Duncan Mathewson, practised within his ward and Councillor Woollaston had used his services to develop an outbuilding. Councillor Woollaston stated that he did not feel that this affected his decision making on the application. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

8. Schedule of Planning Applications

(1) Application No. and Parish: 20/02079/COMIND - Inglewood House Templeton Road Kintbury Hungerford

Item starts at 7 minutes and 45 seconds into the recording.

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/02079/COMIND in respect of the redevelopment of land within the existing walled garden to provide 22 additional units of C2 accommodation as an extension to the Audley Inglewood care community and a new pavilion with associated landscaping, infrastructure and parking.
2. Mr Masie Masiwa 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 Director of Development and Regulation be authorised to grant planning permission subject to the schedule of conditions (Section 8 of the report) and the completion of a Section 106 legal agreement to secure the review of the Affordable Housing Viability subject.
3. The Chairman asked Mr Gareth Dowding if he had any observations relating to the application. Mr Dowding responded that he had none to make at this time.
4. In accordance with the Council's Constitution, Mr Richard Smalley, Parish Council representative, Mr Michael Guest (Inglewood Owners Association Committee), objector, Matthew Nicholson, applicant, and Councillor Tony Vickers, Ward Member, addressed the Committee on this application.

Parish Council Representation

5. Mr Richard Smalley (Kintbury Parish Council) in addressing the Committee raised the following points:
 - The Parish Council did object to the application however, now primarily only had concerns about construction traffic.
 - The alternative route proposed was understood however, from previous experience of development at the site there was concern contractors would take the shortest route through Kintbury village. It was questioned how the alternative route would be enforced.

Member Questions to the Parish/Town Council

6. Members asked questions of the Parish Council representative and were given the following responses:
 - It was largely felt that other concerns previously raised by the Parish Council about the application had been addressed by the process. This did not mean the Parish Council agreed with the proposal but were pragmatic about it.

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- Regarding concerns about enforcement of the construction route, Mr Smalley noted that the Highways Officer had commented that there were no reported incidents recorded on the alternative route via Hungerford. The Parish Council's remaining concern was that contractors would not follow the alternative route and would take the quickest route through Kintbury village. There were weekly traffic issues on Kintbury High Street. It was a narrow street with pinch points and parked cars. If the alternative route was not utilised the fear was that existing problems would be exacerbated. Mr Smalley queried how the alternative route would be enforced.
- To the Parish Council's knowledge there were not traffic issues on the proposed alternative route. If this route was enforced, it would reduce pressure on Kintbury High Street during the construction phase.

Objector Representation

7. Mr Michael Guest (Chair of the Owners Association at Inglewood) in addressing the Committee raised the following points:
 - A survey had been carried out with residents to assess their attitude to the proposal. Of the survey questionnaires sent out there had been a 60 percent response rate and had concluded on Friday 14th July. Voting was as follows:
 - Six votes in favour.
 - Six votes with no opinion.
 - 45 votes against.
 - As part of the survey, residents were invited to include detail on their main reasons for objection. 32 objected on the grounds of concern about traffic during and after construction; 11 objected on the grounds of the ecological system being adversely affected; 24 objected for local reasons.
 - The principle local reason was that it was not deemed to be a care community as the residents understood it. Those living at Inglewood should be capable of independent living. Emergency care was available if required. Routine and more extensive care could be obtained on request up to a certain limit.
 - The second local reason for concern was whether the parent company (Audley) would resource the additional facilities adequately to ensure service level was maintained.
 - The third local reason for concern was that the cost of construction should not interfere with the available money for maintenance and operation.

Member Questions to the Objector

8. Members asked questions of the Objector and were given the following responses:
 - It was felt that the traffic issues might be exacerbated because the entrance to the site (at the top end of the site) was a blind entrance. Visibility was extremely poor from Templeton Road.
 - Contrary to comments from Highways, there had been an accident between the top entrance and the bottom entrance in which a van overturned on top of a car. There was concern that another 22 vehicles would overload that part of the road in question.

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- There were currently 156 car parking spaces for residents on site. Each unit was provided with one parking space and in addition there was substantial parking for visitors.
- The survey had consisted of a questionnaire mailed to each resident. Each questionnaire was numbered and the returns were anonymous, unless the returnee chose to sign it. Returned questionnaires were checked to ensure there was no duplication. No lobbying had taken place as far as the Owners Association was aware.

9. Applicant/Agent Representation

10. Mr Matthew Nicholson in addressing the Committee raised the following points:

- Audley Group was an award-winning owner of 16 extra care communities, with a further three in development. Many had important historic listed buildings as the focal part. Audley Group had a great track record of sensitively restoring historic buildings and their grounds.
- Audley Group provided independent living for older people with care available as and when it was required. Villages provided a range of wellbeing facilities. There was an onsite Audley Care Team who were available to provide care 24 hours per day. Over the last 12 months, over 10,000 hours of care related activity had been provided to owners at Inglewood.
- The proposal would sensitively restore and repurpose the walled garden to provide 22 two bed extra care units as an extension to the already successful Inglewood Village. This would contribute to national and local need as confirmed by the Local Authority's Housing Officers.
- A pavilion building would be provided in the corner of the cricket pitch. This would be a multi-purpose space for all owners to use.
- The proposal was sensitively designed to respect the history of the walled garden, which was a non-designated Heritage Asset and to respect the location in the Area of Outstanding Natural Beauty (AONB). The walled garden was between three and five metres high and the proposed units within it would be slightly lower, so they could not be viewed from the outside.
- A landscaped garden would be provided in the central area of the walled garden, equivalent in size to half a football pitch. Trees and hedges would be retained and new trees, flora and fauna would be introduced to encourage new and existing habitats, and achieving a biodiversity net gain.
- The development would be net zero carbon responding positively to the climate emergency declared by the Local Authority in 2020. Modern methods of construction would be used to the highest environmental standards.
- 22 car parking spaces would be provided outside of the walled garden area. Around 70 percent of owners owned a car and therefore this was considered sufficient.
- A travel plan had been submitted, which promoted other sustainable forms of travel to and from the site.
- Work had taken place with the Highways Department to minimise disruption during construction. Details of the proposed haul route had been submitted that avoided Kintbury High Street.

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- A construction management plan would be submitted if the application was approved.

Member Questions to the Applicant/Agent

11. Members asked questions of the Applicant and were given the following responses:
 - Regarding getting materials and equipment into the walled garden area to start the work, it was highlighted that The Audley Group were used to working with historic buildings. In terms of the proposal, most of the equipment required would be craned carefully over the wall by contractors that were known and trusted.
 - 24 hour site care was already on site and available, and the units proposed would be delivering more of what was already on site. Dementia was mentioned within the planning statement in that the new units could accommodate a person with Dementia as part of a couple. This was not indifferent to the rest of the village.
 - Regarding carers parking, particularly in relation to people with Dementia, there was other car parking available on-site. Members of the care team would use staff parking and parking in other areas. Dementia was a small part of the entire business. The report was essentially stating that Dementia could be accommodated in the same way as it was across all the Audley Group's villages. The units were not directed at people with Dementia but were available to people with Dementia as part of a couple up to a certain level of need.
 - It was the buildings that would be carbon neutral. There was already a minibus in operation but the travel plan would detail how this could be extended to incorporate the proposed development to support residents.
 - The area inside the walled garden was currently closed off. The walls needed to be made safe and the garden itself was currently overgrown as the project in question had been underway for four years.
 - If planning permission was not agreed, the walled garden would likely remain in its current state.
 - The 10,000 hours of care provided by the Audley Care Team over 12 months, included the provision of a variety of care. From carrying out chores to personal care, domiciliary care and high needs care. It was confirmed that these hours did not include carers living in with residents.
 - The grounds outside of the walled garden area were currently maintained to a high standard.
 - Solar panels would support the heat pumps 24 hours per day. Mr Nicholson did not have all the detail to hand on this matter but normally there would be battery storage in place to ensure this was the case.
 - The multi-purpose pavilion would be built to BREEAM excellent standard. It would be a multi-purpose space that had toilets and could be partitioned off depending on the activity it was required for.

Ward Member Representation

12. Councillor Dennis Benneyworth stated that he would not make a representation as Ward Member however, he had called the application in due to the strong feelings in objection and support. Councillor Denise Gaines reiterated this view.
13. Councillor Tony Vickers in addressing the Committee raised the following points:

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- It was felt that some of the objections made by the residents of Kintbury and of the existing retirement village were justified. However, he had met the leaders of the Owners Association and informed them he would speak in support of the application.
- The principle of development was hard to accept with the isolation of facilities and being in the Area of Outstanding Natural Beauty (AONB). The proposal would however, not intrude on the landscape being in a well screened area.
- The applicant, who only provided homes for the most wealthy one percent (or less) of the population, was able to qualify for exemption from providing a commuted sum for affordable housing. The Council had a desperate need to provide such homes. This set a very bad precedent.
- It was expected that Audley's clients could afford to pay a little more and the Council should not be subsidising them.
- Although independent living helped keep older people healthy, Councillor Vickers had been informed by people who provided care/health services locally, that the residents of Inglewood imposed a significant burden on the NHS and public finances.
- The development would be liable to provide CIL. The point of providing S106 funding was to enable the Council to acquire land in a more sustainable location for the far greater number of less wealthy elderly local residents at affordable prices. It was hoped Members would further question this point.
- The existing development did not have enough EV charging points and nor did the proposed extension. The Council's parking policy since 2006 had required all development of houses to have at least one EV charge point per unit. Blocks of flats were exempt but this was likely because they were not allowed in the countryside. He hoped Members would insist on more charging points if minded to grant planning permission.
- Residents had been seen using mobility scooters along Templeton Road to Kintbury. On the narrow, poorly lit, pot holed lanes this was hazardous for all.
- The development likely generated 90 percent of the traffic on Templeton Road, which did not have any properly surfaced passing places. This had partly been put right for some of the route towards Hungerford, which would help during construction. There was still concern however, regarding the bendy nature of the route that connected Inglewood to the main highway network. More passing bays were required.
- It was agreed that the route through Kintbury should not be used during construction however, it was questioned if it would be possible to enforce the alternative route through a condition.
- It was not a normal C2 development. Owners could rent to others over the age of 55. The application needed to be considered as a special case.

Member Questions to the Ward Member

14. Members did not have any questions of clarification.

Member Questions to Officers

15. Members asked questions of the Officers and were given the following responses:

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- Affordable housing only applied to the residential aspect of the development and therefore excluded the pavilion. As detailed in the report, an extensive review of the applicant's viability report had taken place. The Council's consultants had originally not agreed with the applicant however additional information had been submitted and a surveyor involved to reach an agreement. The Council's consultants were of the view that the applicant might have to provide a contribution but this would need reviewing again after the scheme had been completed based on costs and sales figures.
- It was important for Members to keep in mind when considering viability, that viability of a development in relation to affordable housing was a provision set out in national legislation and guidance. The National Planning Policy Framework (NPPF) set out that it was a material consideration when considering what level of affordable housing should be provided. The national circumstances of the developer were strictly not a consideration when considering viability of a development. The consultant had carried out analysis work and concluded that they would be satisfied if there was to be a condition with a clause within the S106 that allowed for the development to be reviewed after completion, to see if there had been a net uplift in the viability of the site.
- The West Berkshire Supplementary Planning Document S106 on Developer Contributions set out that the developer should pay for viability review work. Review work would be carried out by a consultant appointed by the Council.
- The S106 had a clause that required a viability review to be undertaken following completion of the development. This would disclose any additional viability that could be put into affordable housing contributions. The viability review would identify any uplift since the original viability consideration, which could be put towards off-site affordable housing contributions.
- The parking proposed was considered to be appropriate. TRICS, a programme to work out traffic movements, had been used by Highways Officers to assess the parking requirement for the site.
- In terms of the travel plan, it was assumed that Highways colleagues had viewed the details and were deemed appropriate. It was a site that was already in operation with travel plans in place. It was also a remote site and therefore the travel needs of residents had to be met, or it was likely they would move elsewhere.
- The proposal included the provision of 22 car parking spaces and three of these would have EV charging points. Highways Officers were satisfied with this arrangement for the number of units. On the existing site, not all parking provided EV charging points.
- In terms of the floor plans, the proposal consisted of two bedroom units. They were adapted in terms of the specific extra care C2 use. Proposed floorplans were included with the report. Officers were satisfied that the units were fit for purpose.
- Regarding dementia care, the applicant had submitted an extra care housing needs assessment. The scheme mentioned that the units were designed to accommodate residents with dementia. The term 'extra care' was diverse in what it covered.
- Regarding need in the location, as indicated in the report and supported by Housing and Adult Social Care, there was an identified need for the type of housing proposed. Paragraph 6.13 of the report referenced the Council's Housing

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Strategy 2020 – 2036 (part 5 Table 1), which identified trends in terms of the ageing population. Since the report was published, Officers had been made aware that the Council had provided a further evidence report from July 2022 and this showed the trend and need was increasing. This was how Officers had reached the conclusion that the scheme was acceptable.

- Regarding whether it would normally be permitted for a non-designated heritage asset to be developed in the way proposed, it was confirmed by Officers that it would. The important question regarding the NPPF was to ensure that there was a viable use that conserved the heritage asset and ensured its future.
- Regarding badger setts, it could be noted from the report that there were conditions recommended regarding construction, an environmental management plan and a badger sett licensing condition. Safety in respect of the badger setts was therefore, in the Officer's view, covered under the requirements of these conditions.
- In the documents sent to Members, which were available on the public website, it was set out that the Ecologist was satisfied with the biodiversity net gain that would be achieved by the proposal. The net gain did not cover non-tangibles like bat boxes and new badger setts. Enhancement locations had been agreed for these habitats. Overall the Ecologist believed that the net gain in habitats was sufficient as well as the hedging proposed.
- (*Councillor Denise Gaines declared an interest in this area as she was a Hungerford Town Councillor*). Hungerford Town Council had not been advised that the construction and haulage would go through Hungerford Town. It was confirmed that there was no statutory duty to consult Hungerford Town Council as the adjacent parish council to the application. Details about the application had not been withheld in any way and it had been publicly reacted to. Hungerford Town Council shared members with Kintbury and Inkpen who were in regular communication regarding the application and the haul route had been a locally contentious issue for some time. It could not be suggested that there had not been the opportunity for Hungerford Town Council to input into the process.
- Any uplift on the value would be found out once the development was completed. It was likely that a trigger of prior to occupation would be negotiated. Viability reports would have to be submitted by the applicant and reviewed by the Council's consultants. The duration of the development would be for the developer to determine. For clarity purposes, it was confirmed that although the terms of the S106 were yet to be negotiated, Officers would normally look to apply a clause for a viability review at the sale of a certain number of units.
- The initial submission had included the conversion of the lean-to outbuildings into additional units. This had been objected to by the Conservation Officer on the grounds that it would impact negatively on the wall. The buildings themselves were being used for storage as part of the wider site. It was not proposed that the buildings be developed as part of the current application. If Members wished for this to be added as a condition, then it could be debated and included.
- The access was originally assessed as part of the initial application and there had been not material change to the access since. The vegetation had grown and the Highways Department had been in contact with the Audley Group over the state of the verge and hedgerows, following the use of an illegal mirror on the entrance to the site. This was a separate matter and was not part of the current application.

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- The Highways Department were fully aware of the incident referred to by residents. It had been a non-injury accident and involved a motorist who was being extremely impatient overtaking another car. The roads had been assessed in terms of accidents, vehicle movements and construction traffic. It was the same haul route that had been used in the original site build. The Highways Department had no concerns however, the Audley Group were responsible for maintaining the access and it had been stressed to them that some maintenance was currently required.
- A stop sign at the entrance/exit to the site would require special permission and would need to be applied for through the Department for Transport. The applicant could choose to erect a give way sign and approach the Highways Department to see if there were any other improvement suggestions. Highways had no concerns as long as the area was maintained appropriately.
- In terms of energy generation, the proposal was considered a zero carbon sustainable proposal. Other measures regarding heating and heat water via the air source heat pump were considered to be zero carbon and low emission schemes. As indicated in the report, most of the measures for sustainability had been moved to building regulations and there was reliance on the applicant to come up with a scheme that met the Council's objectives on zero carbon. Based on the measures put forward, Officers considered that on balance it was an acceptable scheme in terms of sustainability and its adherence to policy CS15.
- Regarding CS15, the commercial aspect was BREEAM. There was a BREEAM condition included, which ensured an excellent rating for the pavilion. Other sustainability measures were to be applied to the residential element.

Debate

16. Councillor Heather Codling opened the debate by expressing her concern about the use of the C2 residential units. Dementia care had been mentioned however, the applicant had implied that most residents were not C2 residents. Councillor Codling was concerned about how this could be ensured. Councillor Codling was concerned it would be general housing for older people that were affluent. The Chairman stated the Committee was in debate however, the concern was noted.
17. Councillor Carlyne Culver was concerned that there seemed to have been different information received on whether the units were dementia care units or not and therefore if it was justified to allow the development on land that had not been developed previously.
18. Regarding a future viability assessment, Councillor Culver felt it was unlikely that there would be an uplift in the housing market, which would result in an increase in profit for the developer and the Council receiving no contribution towards affordable housing. Social housing was a justified need in the district however, if a proposal was put forward for this within a walled garden, Councillor Culver expected it would be rejected.
19. Councillor Culver expressed her disappointment in the biodiversity net gain that would be achieved by the development and felt the percentage was very low.
20. Regarding the badger setts, it was clear from the paperwork that the applicant was following best practice when it came to mitigation for badger setts however, it needed to be specified in conditions that a 30 metre buffer zone was required. It also needed to be made clear that there needed to be proof that the artificial setts were being occupied before existing setts were shut down.

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21. Referring to the point of whether Hungerford Town Council should have been consulted on the application as adjacent parish/town council, Councillor Culver recalled that when the Compton Institute had been debated, East Ilsley Parish Council had been consulted because the demolition and construction traffic would travel through East Ilsley. East Ilsley had made a representation at the meeting when the application was considered.
22. Councillor Howard Woollaston did not have a problem with the scheme. There was a clear need for housing for the elderly and the proposal was for a sympathetic scheme within the walled garden. Councillor Woollaston was also not concerned about the 22 additional cars travelling to and from the site. Councillor Woollaston was however concerned about construction traffic travelling through the centre of Hungerford. He had lived near Hungerford since before Inglewood was constructed and could not recall any issues during the construction phase but it was possible other Members might have a recollection of this.
23. Councillor Denise Gaines reported that there had been traffic issues in Hungerford during the construction phase of Inglewood, especially from the high street into Park Street, which was very narrow with a sharp bend. Councillor Gaines often witnessed lorries having to reverse into Park Street to allow traffic to pass.
24. Councillor Gaines referred back to the issue of C2 use. Councillor Gaines believed that C2 class dwellings could be changed to another C class without being referred back to the Planning Department.
25. Councillor Dennis Benneyworth reported that the turning into Park Street was notoriously problematic. It had featured in the Newbury Weekly News and vehicles had struck the Plume of Feathers public house on a number of occasions.
26. The Chairman noted that there was serious doubt about the traffic management aspect of the development. He had not heard anything to convince him that Kintbury would be protected from the likeliness of traffic travelling through it and he hoped this could be conditioned.
27. The Chairman noted that the applicant had expressed that the Audley Group took great care of its assets. However, the Chairman noted that the walled garden had not been cared for at least four years. He therefore struggled to see how the Audley Group took great care of its assets. It had also been heard from the Highways Officer that there was a need for maintenance to hedges and splays in and out of the site. There was a lack of clarity regarding whether the proposal was dementia orientated or not. This posed the question of how much the information provided could be relied upon. The Chairman hoped this point would be debated further by Members.
28. Councillor Clive Hooker reported that decisions taken by the Committee were based on planning policy and on this basis he could not see any reason not to approve the application. The development would make good use of a redundant area of interest. The development would not encroach on the AONB due to the surrounding wall. Councillor Hooker felt that the proposed pavilion would be a good asset. Counter to Councillor Culver's point, Councillor Hooker provided the optimistic view that there could be an uplift in the housing market and therefore there might be a payment to the Council. Councillor Hooker sympathised with the objections raised by the current residents of Inglewood however, highlighted that the matter of the proposal diluting funds for maintaining the existing facility was not a planning consideration. Councillor Hooker noted that the main concern raised by the neighbour to the site was not about ongoing traffic once the development was completed but rather the construction traffic. Members had also raised concerns about this point however, Councillor

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Hooker felt it was important to have confidence in the Highways Officers who had provided data from the previous development. Councillor Hooker was confident this could be controlled by conditions. It was felt it would be difficult to refuse planning permission for the application and Councillor Hooker raised concerns should the matter end up at appeal.

29. Councillor Phil Barnett stated he was still undecided on the application. Positively, he liked to see sites renovated and he felt part of the proposal would benefit existing residents. Councillor Barnett also saw the downside of the application in that the Council would be unlikely to get the benefits from the development that it deserved.
30. The Chairman asked Mr Till to clarify the matter of C2 use. Mr Till drew attention to the Government's definition of extra care detailed in the update report. This had been taken from the National Planning Guidance. Mr Till clarified that when talking about Dementia Care, what was being referred to was accommodation capable of providing for dementia. The reason for Officer support for the application was due to the extra care element and the need for extra care provision in the area. This might or might not include dementia care. The proposal would also make a viable use of a heritage asset.
31. Mr Till referred to the concerns raised regarding whether the Planning Department would be receptive to a proposal for 100 percent affordable housing on the site and Mr Till reminded Members that there was a rural exception site provision policy for this purpose.
32. Mr Till referred to concerns over the change of use from C2 and highlighted the details of condition 23, which clearly set out that no change of use was permitted.
33. The Chairman asked Mr Till to further expand on the planning balance in favour of the application. Mr Till confirmed that it was a balanced recommendation, and this was because it was for an additional housing development in the countryside. Highway concerns raised were legitimate however, Highways Officers were satisfied. Planning Officers were satisfied there was a demonstrative need for the development. Mr Till advised that if Members were minded to refuse the application then careful consideration would need to be given to the grounds this was based on and that they were compliant with national and local policy.
34. Councillor Woollaston commented that the business model seemed to be based on extra care provision and not straight forward property development. He felt it would be a good use of a heritage asset and he was therefore minded to support the Officer recommendation to approve planning permission subject to additional conditions.
35. Members recommended the following conditions be added to the proposal:
 - A 30m exemption area around the badger setts (*condition 23 below*)
 - A survey to ensure the new badger sett was occupied prior to the existing sett being sealed off (*condition 24*).
 - A stop sign or alternatively a give way sign (*condition 25*).
 - Notices along the Kintbury Road to deter construction traffic from using the route (*condition 26*).
 - A higher number of EV charging points (*condition 27*).
 - Clarity on sustainable energy storage (*condition 28*).
 - The site to achieve a ten percent biodiversity net gain (*condition 29*).
 - No destruction to the existing wall (*included as ammendment to condition 6*).

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36. Mr Till reiterated the suggested conditions. He suggested that a give way sign be a preoccupation requirement for the applicant at the access to the site.
37. Mr Till suggested that a condition regarding notices along Kintbury Road should state 'no development should take place until details from the applicant, in liaison with the local Highways Authority and Kintbury Parish Council, had been received' on how signage in respect of haulage would be provided.
38. Mr Till referred to a condition on the site achieving a ten percent biodiversity net gain and suggested this should be a preoccupation condition.
39. Mr Till asked Members to recommend a number of EV charging points required. It was agreed by the Chairman that this should be to the capability of the onsite infrastructure and to a maximum of six EV charging points. It was suggested that the details on this should be provided prior to occupation.
40. Finally Mr Till suggested a detailed sustainability statement be requested from the applicant confirming how the electricity infrastructure associated with the solar panels would be provided to ensure zero carbon could be achieved.
41. Councillor Hooker asked there to be a further condition to ensure there was no damage to the existing wall. Mr Till confirmed that there was a construction management plan condition and he suggested that the avoidance of damage to the historic garden wall be added to the construction methodology.
42. Councillor Barnett asked for a condition to ensure working hours were appropriate. Mr Till drew attention to condition 16, which set out the requirements around working hours.
43. Councillor Woollaston proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report, update report and those added by Members during the debate. This was seconded by Councillor Hooker.
44. 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

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

Conditions

1	<p>Time Limit for commencement</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved documents and plans:</p> <p>Received on 09 September 2020:</p> <ul style="list-style-type: none"> • Refuse Store drawing No 15028 OB - GA-00-201 P1

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- Proposed recreation pavilion plans drawing No 20008-PV-A-101
- Proposed recreation pavilion elevations drawing No 20008-PV-A-102
- Arboriculture assessment
- Barn Owl Survey
- Nocturnal Emergence and Dawn re-entry Survey
- Pavilion Ecological Survey
- Preliminary Bat Roost Assessment
- Preliminary Ecology Appraisal
- Reptile Survey

Received on 16 September 2020:

- Proposed block south – elevations and floor plans drawing No 15028-BS-GA-00-005-P2
- Proposed block south – roof plan drawing No 15028-BS-GA-00-006-P2
- Proposed block west – elevations and floor plans drawing No 15028-BW-GA-00-007-P2
- Proposed block west – roof plan drawing No 15028-BW-GA-00-008-P2
- Proposed block east – elevations and floor plans drawing No 15028-BE-GA-00-001-P2
- Proposed block east – roof plan drawing No 15028-BE-GA-00-002-P2
- Proposed block north – elevations and floor plans drawing No 15028-BN-GA-00-003-P2
- Proposed block north – roof plan drawing No 15028-BN-GA-00-004-P2

Received on 01 June 2021:

- Amended proposed site layout (walled garden) drawing No 15028-S-SL-00-200 P8
- Amended proposed site layout - all phases drawing No 15028-S-SL-00-201 P9
- Amended proposed elevations (inside and outside) drawing No 15028-SS(00)301-P3
- Amended Transport Statement
- Amended Travel Plan
- Amended Heritage Report
- Amended Heritage Report Addendum 2
- Amended Pavilion Historical analysis
- Amended Landscape Visual Impact Assessment and Landscape Strategy REVISION B
- Amended Flood Risk Assessment
- Extra Care Housing Needs Assessment
- Amended Planning Statement
- Amended Sustainability and Energy Statement
- Amended Proposed Bollard External Lighting drawing No SK

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	<p align="center">E 01 REV A</p> <p>Received on 16 June 2021:</p> <ul style="list-style-type: none"> • Heritage Report Addendum 3 • Amended Biodiversity Impact Assessment • Ecology Statement Technical Note <p>Received on 26 October 2022:</p> <ul style="list-style-type: none"> • Amended Construction Route passing places plan 1 drawing No 2112024-01 REVISION B • Amended Construction Route passing places plan 2 drawing No 2112024-02 REVISION B • Amended Construction Route passing places plan – Swept Paths drawing No 2112024-TK01 REVISION B <p>Other documents:</p> <ul style="list-style-type: none"> • Amended location plan drawing No 15028-S-SL-00-001 P2 received 21 December 2020 • Heritage Statement Addendum 1 received 22 March 2021 • Audley agreed site traffic haulage route received 06 April 2021 • Traffic Management Plan received on 13 September 2021 • Phase 2 surveys – Supplementary Ecology Report received 30 June 2022 • Supplementary Ecological Report REVISION A received on 28 November 2022 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>External Materials</p> <p>Prior to above foundation level works commencing, details of external facing materials for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with approved details.</p> <p>Reason: To ensure the satisfactory appearance of the development and in order to protect the character and amenity of the AONB area. 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), the Quality Design SPD (June 2006) and Hermitage Village Design Statement.</p>
4	<p>Means of Enclosure and gates</p> <p>Notwithstanding the provisions of the plans hereby submitted, the development hereby permitted shall not be occupied until full details have been submitted to and approved in writing in respect of means of enclosure or boundary treatments including gates on the site. the</p>

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	<p>details shall include a plan indicating the positions, design, materials and type of boundary treatment and gates to be erected within the site.</p> <p>The approved details shall be completed in accordance with the approved scheme before the development hereby permitted is first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.</p> <p>Reason In the interest of visual amenity and to protect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy, the Quality Design SPD (design guidance on safe and high quality environments) 2007) and the Hermitage Village Design Statement.</p>
5	<p>Landscape and Ecological Management Plan</p> <p>No development 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. The LEMP should be based on the submitted amended Ecological Assessments and the approved SuDS and Landscaping documents and plans. Such a Plan shall include:</p> <ul style="list-style-type: none">a) Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats meeting all the needs of biodiversity net gain timeframes, monitoring and reviews.b) Provision of features for protected and priority fauna as outlined within the Ecological Assessment Reports and deliver the recommendations to ensure the appropriate protection and conservation of protected habitats and species.c) Include (but not necessarily be limited to) details of management, maintenance and long-term protection of the hard and soft landscaping, public open space, and ecological mitigation area.d) Submit a green phasing plan to interact with the CEMP and LEMP. Include the planting list, hard and soft infrastructure shown and boundary treatments and species and habitat enhancements and protections.e) A plan showing the design, location and installation details of all the habitat boxes and features.f) A plan showing the location of integrated enhancements for species such as birds and bats, bee bricks to the areas near the formal walled garden.g) May incorporate any/all mitigation measures secured by other planning conditions attached to this permission, including SuDS and Landscaping.h) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;i) Persons responsible for implementing the works.j) Details of initial aftercare and long term maintenance;

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	<p>k) Details for monitoring and remedial measures.</p> <p>The approved LEMP shall be implemented in full upon commencement of development.</p> <p>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), and the Planning Obligations SPD.</p>
6	<p>Construction Environmental Management Plan (CEMP)</p> <p>No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;</p> <ul style="list-style-type: none">(a) A risk assessment of potentially damaging construction activities(b) Identification of biodiversity protection zones(c) Practical measures to avoid and reduce impacts during construction(d) Construction methodology measures for the protection of the garden wall during construction and to ensure there is no destruction or damage to the existing historic garden wall during construction.(e) The location and timing of sensitive works to avoid harm to biodiversity features including protected species and tree protection measures(f) The times during construction when specialist ecologists need to be present on site to oversee works(g) Responsible persons and lines of communication(h) The role and responsibilities of the ecological clerk of works or similarly competent person(i) Use of protective fences, exclusion barriers and warning signs(j) Any temporary lighting that will be used during construction(k) A scheme of works or such other steps to minimise the effects of dust during construction(l) The implementation of these measures prior to the

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	<p>commencement of each phase.</p> <p>The development shall not be constructed otherwise than in accordance with the approved CEMP.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. To ensure the conservation of the heritage assets of the site, and to ensure there is no destruction to the existing wall. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
7	<p>Natural England licence (bats)</p> <p>Any works which affect bats or great crested news, or result in loss or deterioration of their habitats (including site clearance) shall not in any circumstances commence unless the Local Planning Authority has been provided with either:</p> <ul style="list-style-type: none"> (a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activities to go ahead; or (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity will require a licence. <p>Reason: The approval of this information is required before development commences because insufficient information accompanies the application and licence can only be issued after planning permission is granted. Mitigation will be required before any site clearance or development takes place. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
8	<p>Natural England licence (badger sett)</p> <p>Any works which affect a badger sett or result in loss or deterioration of their habitats (including site clearance) or the provision of a replacement badger sett shall not in any circumstances commence unless the Local Planning Authority has been provided with either:</p> <ul style="list-style-type: none"> (a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activities to go ahead; or (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity will require a licence.

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	<p>Reason: The approval of this information is required before development commences because insufficient information accompanies the application and licence can only be issued after planning permission is granted. Mitigation will be required before any site clearance or development takes place. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
9	<p>Surface water drainage measures</p> <p>The above ground development shall not commence until the surface water drainage measures have been submitted and approved in writing by the Local Planning Authority.</p> <p>The sustainable drainage measures shall be maintained, retained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).</p>
10	<p>Parking and turning</p> <p>The development shall not be brought into use until the associated vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking of private motor cars at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
11	<p>Cycle parking</p> <p>No dwelling shall be occupied until details of cycle parking has been submitted and approved in writing by the Local Planning Authority. Thereafter the approved cycle parking shall be kept available for the parking of cycles at all times.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with the submitted Travel Plan. 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).</p>

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12	<p>Construction and submitted traffic management plan</p> <p>No development shall take place until the approved highway passing places have been constructed in accordance with the approved plans.</p> <p>a) Thereafter the highway passing places shall be kept available through the construction of the approved development.</p> <p>b) The construction of the development shall proceed in accordance with the submitted Traffic Management Plan by LLS Logistics</p> <p>Reason: In the interest of road safety and flow of traffic. This condition is imposed 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).</p>
13	<p>Electric Charging Point</p> <p>No unit shall be first occupied until electric vehicle charging points have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026</p>
14	<p>Refuse Storage</p> <p>No unit shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved drawings and these facilities shall be retained for this purpose thereafter.</p> <p>Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. 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 Supplementary Planning Document Quality Design (June 2006).</p>
15	<p>External lighting</p> <p>No external lighting shall be installed until a final lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <p>(a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.</p> <p>(b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not</p>

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	<p>disturb or prevent the above protected species.</p> <p>(c) Include and Isolux diagram of the proposed lighting.</p> <p>(d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</p> <p>Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Firstly, to ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. Secondly, to conserve the dark night skies characteristics of the North Wessex Downs AONB. 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).</p>
16	<p>Hours of work (construction)</p> <p>No construction works shall take place outside the following hours: 7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays;</p> <p>No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).</p>
17	<p>Sustainability Measures</p> <p>The development hereby permitted shall proceed in accordance with the sustainability measures outlined within the Sustainability Statement by Gallesse Design received on 01 June 2021. The development shall not be first occupied until the sustainability measures have been implemented in full.</p> <p>Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
18	<p>BREEAM</p> <p>The pavilion hereby permitted shall achieve a rating of “Excellent”</p>

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	<p>under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The development shall not be first occupied until a final certificate has been issued certifying that this rating has been achieved, and a copy of the certificate has been provided to the Local Planning Authority.</p> <p>Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
19	<p>Landscaping</p> <p>All landscape works shall be completed in accordance with the submitted Landscape Visual Impact Assessment and the Landscape Strategy Plan by Kirkham Landscape Planning dated February 2021 (REVISION B) including the schedule of planting and design components and features.</p> <p>Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and Hermitage Village Design Statement.</p>
20	<p>Travel Plan</p> <p>The development hereby permitted shall proceed in accordance with the travel measures outlined within the Amended Travel Plan by Cottee Transport Planning received on 01 June 2021. The development shall not be first occupied until the sustainability measures have been implemented in full.</p> <p>Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
21	<p>Noise attenuation</p> <p>All plant, machinery and equipment installed or operated in connection with the air source heat pump of the development hereby approved 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</p>

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	<p>property.</p> <p>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).</p>
22	<p>Permitted Use Classes Order - removal of rights</p> <p>The 22 units hereby approved shall be used for Use Class C2 (Residential Institution) as part of extra care accommodation at Audley Care Community site and for no other purpose, including any other purpose in [Classes C2 and C3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason: Any other use may not be acceptable on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy (2006-2026), and Policies C1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
23	<p>Badger sett exemption area</p> <p>Any works for a replacement badger sett must include a 30-metre exemption area around the badger setts. Thereafter, the exemption area shall be maintained between the development and the Badger sett.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and their habitats. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
24	<p>Badger sett survey</p> <p>Prior to the commencement of development, a survey of the site by an appropriately qualified and experienced ecologist shall be undertaken to ensure the new badger sett was occupied prior to the existing sett being sealed off. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species</p>

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	<p>and their habitats. This condition is applied to avoid contravention of the Conservation of Habitats and Species Regulations 2010 (as amended), and in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
25	<p>Access signage</p> <p>No unit shall be first occupied until details and location of a give way sign on the applicant's own land at the access have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved give way sign shall be retained and maintained at all times.</p> <p>Reason: In the interest of road safety and 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).</p>
26	<p>Construction traffic route signage</p> <p>No development shall take place until details from the applicant, in liaison with the local Highways Authority and Kintbury Parish Council, have been received on how signage in respect of haulage traffic would be provided along the Kintbury Road to deter construction traffic from using the route through Kintbury Village.</p> <p>Reason: In the interest of road safety and 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).</p>
27	<p>Electric vehicle charging points capacity.</p> <p>Irrespective of the details submitted as part of the planning application, no unit shall be first occupied until details of a maximum total of six electric vehicle charging points (based on the capability of the site) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.</p> <p>Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
28	<p>Sustainability statement</p> <p>No unit shall be first occupied until a detailed sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The detailed sustainability statement shall</p>

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	<p>confirm how the electricity infrastructure associated with the solar panels and the ground source heat pump will be provided to ensure zero carbon could be achieved on site.</p> <p>Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
29	<p>Biodiversity net gain</p> <p>No unit shall be first occupied until details of how the development will achieve and secure a ten percent biodiversity net gain have been submitted to and approved in writing by the local planning authority.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>

Informatives

1	<p>Approach of the LPA</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2	<p>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from the Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3	<p>Legal agreements - Section 106</p> <p>This Decision Notice must be read in conjunction with the terms of the Legal Agreement. You are advised to ensure that you have all the necessary documents before development starts on site.</p>
4	<p>Fire infrastructure</p>

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	<p>The Fire Authority seeks to raise the profile of these requirements and requests that the relevant documentation is made available to the applicant and/or planning agent by means of web link: https://www.gov.uk/government/publications/fire-safety-approved-document-b</p> <p>Full assessment of the proposed development in respect of 'Building Control' matters will be</p>
5	<p>Waste (Thames Water informative)</p> <p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
6	<p>Water (Thames Water informative)</p> <p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
7	<p>Obstructing public right of way</p> <p>The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.</p>
8	<p>Public right of way encroachment</p> <p>Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.</p>
9	<p>Ground Levels</p> <p>Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to a specification agreed with the Local Authority, prior to development commencing.</p>
10	<p>Ecology Updated Surveys</p> <p>If development has not commenced 3 years from the date of this permission, an updated Ecological Appraisal will be required. The updated surveys shall be used to inform the updated mitigation measures for the development.</p>
	<p><i>Refusal reason</i></p> <p>If the legal agreement is not completed by the 19th October 2023, to DELEGATE to the Development Control Manager to REFUSE PLANNING PERMISSION, or to extend the period for completion if it is considered</p>

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<p>expedient to do so.</p> <p>S106 Planning Obligation Refusal Reason</p> <p>The development fails to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of the development on local infrastructure, or provide an appropriate mitigation measure such as a planning obligation.</p> <p>The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:</p> <p>(a) Affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.</p>
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(2) **Application No. and Parish: 23/00246/HOUSE - Juniper Rise, Ashmore Green, Thatcham**

Item starts at 2 hours, 22 minutes and 40 seconds into the recording.

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/00246/HOUSE in respect of a retrospective application for alterations to approved scheme 12/00538/HOUSE; first floor extension to single storey house, single storey extension to the west and new garage to replace existing.
2. Ms Donna Toms 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 Director of Development and Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Gareth Dowding if he had any observations relating to the application. Mr Dowding responded that he had none to make at this time.
4. In accordance with the Council's Constitution, Councillor Heather Codling, Parish Council representative, Mr Ivan Simonowski and Mr Ian Goodwin, objectors, Zelina Francis, supporter, Duncan Mathewson, agent, and Councillor Heather Codling as Ward Member, addressed the Committee on this application.

Parish Council Representation

5. Councillor Codling (Cold Ash Parish Council) in addressing the Committee raised the following points:
 - Councillor Codling was not a Councillor of the Parish Council at the time the application was considered and would therefore read out comments on behalf of the Parish Council.
 - The proposal was out of keeping with neighbouring properties and was overbearing.
 - There was concern of the garage being used as a separate dwelling.
 - There was concern about the retrospective nature of the application as it did not comply with previous plans that had been approved by the Local Authority.

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Member Questions to the Parish Council

6. Members did not have any questions of clarification.

Objector Representation

7. Mr Ivan Simonowski in addressing the Committee raised the following points:

- The changes to the original application were significant and substantial. It was at least one metre or 13 courses of bricks higher than that agreed.
- It overwhelmed the view from the road and adjacent properties.
- The building was now the only three storey house on Ashmore Green Road, which set a precedent going forward.
- The changes should have been thought through at the original planning stage. It was felt that the retrospective route had always been the intention. There had been a total disregard to the planning process. Objection had not been raised to the original plans however, this had completely changed. No respect had been shown for those in neighbouring properties.
- Mr Simonowski reported that he had changed his bungalow to a house and had adhered to the planning permission granted.

8. Mr Ian Goodwin in addressing the Committee raised the following points:

- He was representing the other residents on Ashmore Green Road who had raised objections and who felt cheated because they had not objected to the original plans. It was felt that what had been built had no relationship to what was originally agreed.
- Information provided on the website was minimal and this made it difficult to compare the original application to the current one.
- Residents had described the development as an 'in your face' development.
- There were other houses close by that would soon likely be enlarged. Mr Goodwin queried what would stop these residents from taking the same approach, which was above and beyond what had been permitted.

Member Questions to the Objector

9. Members asked questions of the Objector and were given the following responses:

- The roof height was the primary change to the original application. There was a roof with window lights and the position of windows had changed. The ridge height and how it was positioned in relation to the property, Little West, had changed and was now overbearing. The porch to the front and back of the property had changed and bared no relationship to the original plans. Neighbours had been happy with the original plans, they felt cheated and were worried a precedent would be set.
- The houses on the street had originally all been bungalows. The houses onwards from Little West down the hill had all been converted in the same manner and were in keeping with each other. Ashmore Green as an area had a mix of building types.
- The main difference with the property in question was that it was three storey rather than two storey and this created a big jump visually, in relation to other properties. Opposite the application site were old terraced houses. No one had

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objected to the application consisting of a modern house but rather to the fact that it seemed so big.

- It was believed that the change in ridge height was one metre rather than 32cm. This was how it appeared on retrospective plans that showed the agreed height compared to the actual height.

Supporter Representation

10. Ms Zelina Francis in addressing the Committee raised the following points (*It was requested that slides from the Planning Officer's presentation be displayed showing the bungalow before it was changed to double storey along with the slide showing the development compared to the two adjacent properties*):

- Ms Francis had lived in the bungalow to the left of Juniper Rise for seven years. She no longer lived there but travelled past the area on a daily basis.
- Ms Francis had known the owner of Juniper Rise for many years and had only ever known him to be an honest and suitable neighbour.
- Ms Francis attended the parish council session on the 14th March 2023 and had been surprised to hear of the objections presented about the development being overbearing. Street views showed the property was similar to those around it and there was no obvious obstruction in the flow between the houses. The appearance was similar to other properties close by.
- The third storey of Juniper Rise could only be noticed from the inside of the house due to it being within the loft area.
- Ms Francis had been disappointed to hear personalised attacks on the applicant at the parish council meeting on 14th March.
- Juniper Rise had been overpowered by its neighbour for the seven years that Ms Francis had lived there. It was felt that a distortion of reality was being portrayed.
- Ms Francis expected any errors made by the applicant were innocent rather than deliberately misleading.

11. The Chairman reminded the Committee that only planning matters could be considered.

Member Questions to the Supporter

12. Members did not have any questions of clarification.

Applicant/Agent Representation

Mr Des Tidbury reported that he had been asked to speak on behalf of the applicant's architect, Mr Duncan Mathewson, who had been taken ill prior to the meeting. Mr Mathewson had been provided with a written submission, which Mr Tidbury would read out.

It was noted that normally anyone wishing to speak at Committee had to inform the Planning Department by 4pm the day prior to the meeting. Members were of the view that given the circumstances Mr Tidbury should be permitted to speak on Mr Mathewson's behalf however, Members would refrain from asking any questions once the submission had been read out.

The Chairman proposed that standing orders be suspended to enable Mr Tidbury to speak at the meeting. This was seconded by Councillor Howard Woollaston and at the vote the motion was carried.

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13. Mr Tidbury in addressing the Committee raised the following points:

- Mr Mathewson had been appointed as the architect following notification from West Berkshire Council that an Enforcement Officer would be visiting the site, in view of complaints. Mr Mathewson had met with the Enforcement Officer on 20th December 2022 to review the difference between the approved scheme and that built.
- The principle noticeable difference when compared with Little West, apart from the change of porch design, was the addition of three brick courses above the first-floor windows.
- The differences had been noted and it had been agreed that the client should request a firm of surveyors to carry out a full measured survey.
- Juniper Rise was originally a bungalow with bungalows on either side. Consent was granted in the early 2000s to extend Little West with the addition of a first floor. It was felt that this set a precedent and the resident of Juniper Rise had applied to extend his property with the addition of residential accommodation in the roof void. The consent remained extant with the construction of a garage also part of the approval.
- Work on Juniper Rise commenced in 2022 and the same brick work and patterning had been adopted to match the adjoining property. The additional brick course at first floor level to accommodate deeper floor joists together with three brick courses above the top window was the only difference. The latter had been requested by engineers due to loading.
- The principal difference in ridge height was due to the difference in existing floor levels due to ground levels. The drawings provided by the original draughtsman in 2012 had the elevations incorrectly drawn by just under a metre with respect of the ridge height. The drawing providing a comparison of the west elevation with Little West, showed a difference in level of 1.05 metres and correctly portrayed the relationship between the two properties.
- The applicant had taken the adjoining property as a blueprint and only introduced three brick courses because it had been structurally required to do so. The difference in height between Juniper Rise and Little West was only 320mm.
- Juniper Rise sat to the north of Little West and consequently there could be no overshadowing caused.

Member Questions to the Applicant/Agent

14. Members did not have any questions of clarification.

Councillor Woollaston proposed that standing orders be reinstated and this was seconded by Councillor Benneyworth. At the vote the motion was carried.

Ward Member Representation

15. Councillor Codling in addressing the Committee raised the following points:

- Councillor Codling had been approached by the residents of Little West and Old Oak, which was a bungalow to the other side of the Juniper West. Little West had been developed from a bungalow into a house some years ago.
- Councillor Codling would be providing local residents' views as Ward Member.
- The biggest concern was that the development had been approved as a one and a half storey increase whereas what had been built appeared to be two storeys.

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Councillor Codling contended that the rooms in the roof could be seen and the property was tall.

- Old Oak was still a bungalow with roof space. The residents of Old Oak felt Juniper Rise was now taller than what had been expected. They were concerned about overshadowing.
- There were very few properties in the village that consisted of three storeys and nothing of that size on the street, a precedent was therefore being set. There was a mix of styles but the property in question stood out.

Member Questions to the Ward Member

16. Members asked questions of the Ward Member and were given the following responses:

- Comments regarding overshadowing were concerning the property to the north, which was a bungalow. The resident would have objected however, had been working away whilst the planning application notice was displayed.

(Councillor Codling left the meeting at 9.27pm)

Member Questions to Officers

17. Members asked questions of the Officers and were given the following responses:

- In regard to which drawings were correct in terms of measurements, Mr Simon Till reported that the Planning Department had been presented with a drawing that provided an inaccurate topographical survey of the original ground level. The agent had highlighted where inaccuracies were and Officers accepted the agent's findings. For accuracy purposes Mr Till clarified that the increase in height was 32cm.
- The Officer's recommendation would still have been approval if the increase had been a metre on the basis of the impact. The recommendation was therefore unchanged.
- The objections were as summarised in the presentation and set out in the report. Some objections were based on the increase in height of the building, which was 320mm. Regarding removal of the dormer windows, Officers felt that this would reduce any overbearing impact and reduce any loss of privacy that might result from these windows. Officers did not feel that changes including the increase of 320mm, the alterations, materials and the design were substantial enough to increase impact on neighbouring amenity.
- Regarding the extra volume of what had originally been approved compared to that built, Ms Toms responded that she did not have information regarding the volume of the property. As the site was within settlement it was not something that would normally be calculated.
- Ms Toms stated that if an application was submitted for the property as built, it was possible it would have been approved. The height and style of the property was very similar to its neighbour. Levels would have to be looked at but given the similar style, Ms Toms did not feel the impact would be substantial enough to refuse planning permission.
- Mr Till reported that when scrutinising the application, he had referred back to the Cold Ash Village Design Statement, which carried recommendations in terms of design. Mr Till had not found that the design proposed was in contravention to this. He had surveyed the site whilst reviewing the Officer's recommendation, to see if

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he felt the design was inadequate. Mr Till was of the view that the design made a fair representation of meeting the requirements for quality design as intended by Policy CS14 and National Planning Policy Framework. Officers supported the design changes that had been made further to the original approval.

- Mr Till reminded Members that the site was within settlement. Mr Till commented on the matter of a precedent being set and stated that any subsequent similar application in the area would be assessed on how it matched the street scene. In terms of the property in question, a decision had been taken in 2012 that the increase in size matched the street scene. National policy had moved on since this and specifically referred to quality design and any proposed development would be expected to meet a high standard of quality design. Mr Till stated that he would not necessarily suggest that the 2012 permission would have been granted against current assessment criteria.
- On the matter of it being a new application in 2023 and whether this meant new guidelines would be followed rather than previous guidelines, Mr Till reported that the fall-back position of the 2012 permission was a material planning consideration. Members would have to be satisfied that there was a demonstrable and high level of additional visual harm associated with the new design as opposed to what had been originally approved. Officers were of the view that the change in design would not cause a sufficient level of additional harm.
- The materiality of the fall-back position needed to be considered and how this would set a strong precedent within an appeal situation.

Debate

18. Councillor Woollaston commented on the matter of it being a retrospective planning application. This was something Members had voiced being principally against in the past. Councillor Woollaston did not however feel that the changes were significant enough for Members to go against the Officer recommendation.
19. Councillor Clive Hooker stated that following the site visit and upon viewing the drawings he had felt great sympathy for the neighbour. He had felt a metre increase above the velux windows was excessive. It had however since been clarified by the agent that it was not a metre and this made the application difficult to argue against. From the road view and transition of the roof lines, Councillor Hooker still felt the rise caused by the property in question was excessive. There was fear that if another bungalow was developed then the increase in roof heights on the side of the road could be detrimental to the street scene. Unfortunately however, Councillor Hooker felt that it would be difficult to not approve the application.
20. Councillor Gaines referred to the plans that showed the footprints of the two properties Shannon and Hailstone. Councillor Gaines thought that the footprints of these two properties looked to be larger than that of Juniper Rise. It was noted that one objection had referred to the increase in footprint of Juniper Rise being overly large for the site, but felt that other properties nearby had similar footprints. The Chairman asked a slide to be shown from the Planning Officer's presentation that showed the view Councillor Gaines was referring to.
(Members decided that agenda 4(1) should be deferred to the next meeting in order to provide time to give it fair consideration.)
21. The Chairman concluded from viewing the slides that Councillor Gaines' point regarding Shannon and Hailstone having a similar footprint to Juniper Rise was valid. A window in the roofline of one of the properties could also be seen.

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22. Councillor Patrick Clark noted that the area itself had been made up of bungalows previously. The application site was surrounded by other buildings that were once bungalows and therefore it seemed like there had been a quite a lot of variation in the past. It therefore seemed strange to suggest there should not be any variation in the future.
23. Councillor Hooker felt that the question was around the retrospective element of the application and how it had changed over and above what had been approved.
24. Councillor Hooker proposed that Members support the Officer's recommendation to grant planning permission.
25. Regarding additional conditions, Councillor Gaines suggested it should be ensured that no further changes could be made to the plans. The Chairman noted from the plans (102b) that there was a window that would overlook neighbours. The Chairman did not want the application to be approved with the possibility of this being added afterwards.
26. Mr Till advised that the window was clearly shown on the plans as being omitted from the 2012 application and was therefore a deletion. Secondly the Officer recommendation included a requirement for compliance with the approved drawings.
27. The Chairman requested that a condition be added to ensure a check was carried out on the plan that might be approved including measuring window sizes of what had been installed. Mr Till advised it could be requested that the Planning Enforcement Officer visit the site to ensure details complied with approved plans. Mr Till suggested that the Committee might wish to defer the item if they wished for this visit to take place prior to a decision being made.
28. Mr Till stated that if it was discovered following a decision that further work had taken place that was not in accordance with the drawings submitted, then the applicant would have to correct this, or the item would need to be reconsidered based on a set of revised drawings. Officers had undertaken discussions with the planning agent and had been provided with reassurance that the window concerns had been raised and were the correct size. The Chairman declared, on the basis of Mr Till's response, that he was happy to proceed with consideration of the application.
29. Councillor Hooker proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Woollaston.
30. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Woollaston, 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.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>22101.100A (Location and Block Plan), 22101.101B (Floor and Roof Plans and Section) and 22101.102B (Elevations) received on 2 February 2023.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
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2.	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plan and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).</p>
3	<p>Annex use</p> <p>The garage hereby permitted shall not be occupied at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as Juniper Rise.</p> <p>Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP3 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.</p>

Informatives

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. 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>
2.	<p>CIL</p> <p>The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3.	<p>Consent to enter adjoining land</p> <p>You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This</p>

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	permission granted by the Council in no way authorises you to take such action without first obtaining this consent.
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(3) Application No. and Parish: Various References, Institute For Animal Health - Institute For Animal Health, High Street, Compton

This item was deferred until the next meeting of Western Area Planning Committee on 23rd August 2023.

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

CHAIRMAN

Date of Signature