

# **DRAFT**

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

## **WESTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 AUGUST 2023**

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

**Also Present:** Sharon Armour (Principal Lawyer - Planning & Governance), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Gordon Oliver (Principal Policy Officer), Catherine Ireland (Planning Officer), Cheyanne Kirby (Senior Planning Officer), Bryan Lytle (Planning & Transport Policy Manager), Jessica Bailiss (Democratic Services Officer), Erica Myers (Environmental Health Officer) and Bob Dray (Acting Development Control Manager)

**Apologies for inability to attend the meeting:** Councillor Patrick Clark

## **PART I**

### **1. Minutes**

The Minutes of the meeting held on 19<sup>th</sup> July 2023 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendment:

- 20/02079/COMIND - Inglewood House – Councillor Tony Vickers, Ward Member Representation: Page 10, first bullet point, second sentence should read as follows: ‘However, he had met the leaders of the Owners Association and informed them he would speak in support of their views against the application’.

### **2. Declarations of Interest**

Councillor Dennis Benneyworth declared an interest in Agenda Item 4(1) as it was within his ward. He had attended the planning meeting of Hungerford Town Council when the application was discussed. Councillor Benneyworth reported that he would consider the information afresh and had not predetermined the item.

Councillor Carolyne Culver declared an interest in Agenda Items 4(2) and 4(4) as both were within her ward. Councillor Culver also declared that in her capacity as Chairman of the Scrutiny Commission she had been contacted regarding Agenda Item 4(3). Councillor Culver reported that she had no pecuniary interest in any of the applications and would form her decision on the evidence provided and subsequent debate, and reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillor Howard Woollaston declared an interest in Agenda Item 4(3) as it was within his ward. He had been lobbied by residents on the original application for the site and had been opposed to it. Councillor Woollaston reported that because the application before the Committee concerned conditions there was not a conflict of interest.

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Councillor Adrian Abbs declared that he had been lobbied on Agenda Items 4(3) and 4(4) by various members of the public.

During the course of the debate, Councillor Phil Barnett declared a personal interest in Agenda Item 4(2) by virtue of the fact that he had previously worked for Aurora.

During the course of the debate, Councillor Clive Hooker declared an interest in Agenda 4(3) as he had formed part of the Committee that had considered the initial application for the site in 2019, which he had been lobbied on at the time. He confirmed that he had not been lobbied on the current reserved matters application. Sharon Armour considered the reserved matters application to be a separate application that needed to be considered on its own merits.

During the course of the Councillor Heather Codling declared an interest in Agenda Item 4(4) as she was the Portfolio Holder for Education and was aware of the application.

### **3. Schedule of Planning Applications**

#### **(1) Application No. and Parish: 23/01650/FUL - Norgate House, Tealgate, Hungerford**

*(Item starts at [8 minutes and 50 seconds](#) into the recording)*

1. The Committee considered a report (Agenda Item 4(2)) concerning planning application 23/01650/FUL in respect of the change of use of office building (Class E) to education use (Class F1(a)), minor external alterations and associated works to curtilage, including provision of outdoor amenity space and erection of fencing.
2. Ms Cheyanne Kirby introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Control Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr James Cole, Town Council representative (Hungerford), Mr James Iles, Agent, and Councillor Tony Vickers, Ward Member addressed the Committee on this application.

#### **Town Council Representation**

4. Mr Cole in addressing the Committee raised the following points:
  - The Town Council had no warning about the application and the fast-tracking of the application raised policy issues.
  - Members of the Town Council had met with the promoters of the application and were happy with what they heard.
  - This would not be a standard school and pupils would mostly arrive by minibus or car. However, roads were capable of handling the additional traffic. A swept path analysis had been completed and it was understood that start and finish times would be staggered.
  - The proposed fencing was considered acceptable.
  - Some planting was proposed, which would improve the appearance of the site.

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- Even if this turned out to be a short-term solution, it was considered to be a good use of an empty building and it would be good to have such a school in Hungerford.
- The Town Council would be happy for the Committee to approve the application.

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

5. Members did not have any questions of clarification.

### **Agent Representation**

6. Mr Iles in addressing the Committee raised the following points:

- Mr Iles had been pleased to work closely with Planning Officers and he was grateful for their assistance in bringing the application to Committee in such a timely manner.
- The proposal was for a much-needed special needs school, located in a fully-refurbished office block.
- There was an acute need for a special needs school in the district and the proposal would provide 30 places serving a catchment of around 30 minutes travel time, meeting the demands of West Berkshire and the immediate neighbouring area.
- Teaching would be on a one-to-one basis in small groups.
- The applicant had worked hard to find a suitable location and the aim was to open the school in September to meet demand and support local authority placements as soon as possible.
- Various modest modifications were proposed, including a new security fence, provision of outdoor play areas, a new doorway to access the play space, roof lights, and new native hedge planting.
- There would be space within the parking area to allow minibuses to turn round and cycle parking would be provided as requested by Highways.
- There had been no objections and positive responses had been received from Hungerford Town Council.
- Where additional information had been requested, this had been provided. Additional facilities and play space would be accessed via the nearby Herongate Club. Fencing would be designed to minimise impacts on tree roots. Water butts would be provided to help with rainwater recycling and drainage. Electric vehicle charging points would be provided.
- The proposal would deliver economic benefits through the creation of teaching, administrative and support jobs, as well as supporting local grounds maintenance companies, uniform providers, food and drink suppliers, facilities and partnership working with Herongate Club and other local organisations.
- It was proposed to open the school in September, creating a great school for local children, with dedicated special needs teaching that was desperately needed.
- The headteacher and management team would work with other schools to improve standards and outcomes for children and create more opportunities for staff, local authorities and other stakeholders.
- It was hoped that the Committee would support the officers' recommendation for approval.

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

7. Members asked questions of the Agent representative and were given the following responses:
  - Concerns about pupil safety around the fire escape would be picked up as part of Building Regulations approvals and Ofsted inspections.

### **Ward Member Representation**

8. Councillor Vickers in addressing the Committee raised the following points:
  - The local ward members had queried the provision of a school within an employment area and were going to call it in due to the lack of detail on the application, but officers had called it in on public interest grounds.
  - Fast-tracking of applications was considered justified where there was a wider interest for the Council.
  - While technically not an employment use class, it would provide significant employment due to the one-to-one teaching ratio, and each application should be considered on its merits.
  - Local ward members were happy to support the application.

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

9. Members did not have any questions of clarification.

### **Member Questions to Officers**

10. Members asked questions of the Officers and were given the following responses:
  - Officers were unable to require solar panels, since BREEAM only applied to new development.
  - Highways had recommended conditional approval subject to parking being provided in accordance with the plans, provision of electric vehicle charging (which had been accepted by the applicant) and motorcycle / cycle parking spaces.
  - The planning permission would be for longer than two years, but the certificate of lawfulness was for two academic years, which was in accordance with the General Permitted Development Order (GDPO).
  - Officers could not confirm how long the unit had been vacant. It had previously been used by David Wilson Homes.
  - Officers explained that the school was keen to open in September 2023. They had previously explored their permitted development rights, but without Secretary of State approval, a planning application had to be submitted. This needed to be progressed at pace, since a delay to the next meeting of the Committee would have meant the school would have been unable to open in September.
  - It was confirmed that a swept path analysis had been completed for the minibus turning area, and two parking areas would be set aside to allow minibuses to turn. Condition 3 stipulated that the development shall not be brought into use until the works were completed.
  - Officers stressed that there were no concerns about the school opening in September, since most of the works were relatively minor. Also, the exact opening date had not been confirmed. Officers were only concerned with the planning permission and compliance with conditions. Trigger points were clear, and it was

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up to the applicant to comply. Enforcement could be undertaken if necessary. There was no requirement for the applicant to provide any further information before proceeding.

### Debate

11. Councillor Vickers opened the debate. He emphasised that the key issue was the change of use. However, it was not the first time that there had been an application for education use in a business park. The National Planning Policy Framework (NPPF) stated that it was right for local authorities to work pro-actively to support sustainable development where there was a public interest. Many of the proposed measures could be carried out under permitted development. Work undertaken to date had been at the applicant's own risk. He felt that the Committee should support the proposal. His only concern was whether a barrier should be erected until the hedging matured to prevent views into the site. He felt that the application needed to be fast-tracked, but if the school was unable to open at the start of term, that was not a planning matter.
12. Councillor Antony Amirtharaj supported the application and stressed that it would take pressure off other schools in the area.
13. Councillor Dennis Benneyworth noted that when the application had first been proposed, it had lacked detail, but as details emerged, it found favour with the Town Council. While the loss of industrial use was regrettable, he was supportive of the scheme.
14. Councillor Benneyworth 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 Heather Codling.
15. Councillor Carolyne Culver asked if a condition was needed to provide temporary screening to prevent views into the site while the hedging matured. This was agreed by the Members who had proposed and seconded the motion.
16. The Chairman invited Members of the Committee to vote on the proposal by Councillor Benneyworth, seconded by Councillor Codling, to grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to grant planning permission subject to the conditions set out in the report and update report and the additional condition as set out below:

### Conditions

Conditions as per those set out in the report and update report, but with the additional condition as set out below (precise wording to be determined by officers):

5.	<b>Boundary Treatments</b>  Within four months of the date of this decision, details of the boundary treatments shall be submitted and approved in writing by the Local Planning Authority and thereafter provided within [timescale to be agreed with the applicant].
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### (2) Application No. and Parish: Institute For Animal Health - Institute For Animal Health, High Street, Compton, RG20 7NN

(Item starts at [42 minutes and 24 seconds](#) into the recording)

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1. The Committee considered a report (Agenda Item 4(2)) concerning various applications for the Institute for Animal Health in respect of discharge of Conditions 16, 17, 18 Part A, 18 Parts B-D, 19, 20 and 21 of planning permission 20/01336/OUTMAJ.
2. Ms Cheyanne Kirby introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Control Manager be authorised to approve the information submitted pursuant to each of the conditions identified above in accordance with the schedules set out in the report and update report.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. In relation to the Construction Management Plan, Mr Goddard noted that the site was so extensive that it had its own internal haul routes. All large vehicles would enter and leave the site via the main access to the High Street. It was recognised that the haul route to the A34 was not ideal, but was the best that could be achieved. Construction workers would access the car park from Churn Road and no problems were envisaged. Officers recommended the Construction Method Statement (CMS) for approval.
4. The Chairman asked Ms Erica Myers if she had any observations. Ms Myers indicated that she was happy with the site investigation reports submitted as part of the original planning application, and the additional reports and Remediation Strategy submitted under Condition 18. Site-wide contamination had not been identified, only isolated pockets. The remediation consultant was aware of the issues affecting the site and the Remediation Strategy contained detailed proposals for how contamination would be remediated and validated. Areas of the site had yet to be investigated due to the presence of buildings on the site, so some demolition needed to be allowed in order to provide access for the additional investigations to be carried out and the remediation proposals to be finalised. Once remediation was complete, a validation report would be submitted prior to occupation.
5. In accordance with the Council's Constitution, Ms Judith Cunningham, Parish Council representative, Mr Jon Turner, Agent, and Councillor Carolyne Culver, Ward Member, addressed the Committee on this application.

### **Parish Council Representation**

6. Ms Cunningham in addressing the Committee raised the following points:
  - The Parish Council was disappointed at the deferral from the last meeting, but were grateful that the Committee was taking the time to review the application.
  - The Parish Council had requested that the application be referred to the Committee due to the lack of documentation available on the website within the consultation period.
  - The scheme represented a significant build for a rural community and included extensive demolition and decontamination.
  - A planning solicitor had been engaged to assist with due diligence on every application related to this site. This would ensure full transparency and the best outcome for the community.
  - Since the Parish Council had raised concerns about the lack of documentation, some had become available. However, the Planning Officer had not responded to

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questions and concerns raised as part of the consultation, nor did they respond to the Parish Council when missing documentation was made viewable.

- The Committee had deferred two of the items as the Council's Ecology Officer had not been able to make comment. Comments were posted to the Planning Portal on 27 July 2023.
- While the Construction Environment Management Plan (CEMP) must be adhered to, adjustments could be made on receipt of written confirmation from the Planning Department. The Parish Council asked to be consulted if any such adjustments were proposed.
- Given the significance of the site, the Parish Council requested that in future, greater emphasis be applied to ensuring that planning consultation was completed to the highest degree, with full and timely transparency of all relevant documents.

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

7. Members asked questions of the Parish Council representative and were given the following responses:

- It was confirmed that the Parish Council had not received a response to its letter of 18 April 2023.

### **Agent Representation**

8. Mr Turner in addressing the Committee raised the following points:

- Mr Turner was standing in for colleagues who were on holiday, but was part of the same team.
- Homes England had been working closely with officers and the Parish Council to ensure that any concerns arising from the request to discharge conditions had been explained and improvements to communications had been incorporated into everyday practice.
- Homes England was committed to forging a strong link with the Parish Council and would ensure that any key messages, dates and milestones were communicated to local residents.
- Regular updates would be provided via the parish newsletter and their contractor Cognition would be happy to discuss any concerns arising throughout the duration of the works.
- The conditions for this application only related to those necessary to allow a contractor to start demolition and remediation of the site. A further application would seek to discharge additional planning conditions related to reserve matters once the next stage of development was reached. Details would be provided to officers and the Parish Council.
- Homes England had worked with officers responsible for the technical checking of the planning conditions. They had confirmed that they had all the information required in order to recommend discharge of these conditions.
- Homes England had worked with their contractor and a range of expert consultants and regulatory agencies to ensure that the information submitted was thorough and correct and met officers' requirements.
- Due to the nature of the site, there were further specialist agencies and permits in place that required an additional level of scrutiny to ensure that the site was being safely remediated. Additional consultants had been employed to monitor

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compliance and gather evidence to certify that all procedures were being correctly followed.

- Homes England was committed to working with officers and the Parish Council to do the best job possible and prepare the site for redevelopment.

### Member Questions to the Agent

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

- Homes England would engage with residents via the parish newsletter and contact details for the key personnel would be issued. A suitable social media strategy would be agreed with the Parish Council.
- The contractor had mobilised on site and was ready to start work, and bat hotels had been constructed, but further work was subject to discharge of conditions.
- It was confirmed that contractors would be briefed about the challenges with the haul route and the need to take particular care at key points.
- It was confirmed that Homes England had previously used the contractor engaged to remediate the Compton site at other sites in Plymouth and Hertfordshire.

### Ward Member Representation

10. Councillor Culver in addressing the Committee raised the following points:

- The Parish Council had asked for the application to be called in for a number of reasons, including the absence of documents ahead of the comments deadline. For future applications, the Council should ensure that documents had actually gone live on the planning portal after they have been put into the system.
- Regarding Condition 18, the Homes England cover letter of 27 March 2023 had said: 'Since the proposal is to remove contaminates from the site, a large amount of maintenance and monitoring is not considered necessary.' The covering letter was available on the Planning Portal ahead of the deadline, but the accompanying document was not, so this had set hares running.
- The remediation scheme and remediation strategy on the planning portal detailed contaminates on the site, and residents who used to work on the site and still lived in the village were very aware of what was there. The remediation scheme said: 'it is considered that the potential adverse public perception from radiological and biological hazards... will outweigh any benefits from in-situ remediation technologies... It is therefore considered that in-situ treatment of biological and radioactive material are not suitable... and therefore off-site disposal to an appropriate facility is the most appropriate remediation option.' The fact that the justification emphasised 'adverse public perception' was a concern.
- In a letter on 27 April, Compton Parish Council asked for evidence of enforcement plans. The remediation scheme said: 'Not all materials that may require remediation have yet been identified at the site. Further investigation work is required.' This meant that ongoing enforcement would be really important.
- The Remediation Strategy said that material associated with historic nuclear weapons testing was placed into pots. No uranium isotopes were identified in the three pots that had been sampled, but 38 pots had not yet been sampled, so it was possible that uranium isotopes would be found, and decontamination processes and enforcement would be important.

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- Careful monitoring and enforcement should happen on site before material was put in trucks and taken through Compton and East Ilsley and onto the A34.
- Residents had raised concerns about what would happen if there was an emergency on site and material became airborne or leached into the River Pang, just 15m from the site entrance.
- Homes England had met with Compton Parish Council recently and would be meeting East Ilsley Parish Council. This engagement was welcomed. Councillor Culver had put them in touch with the editor of Compilations magazine and stressed the importance of timely and transparent communication with the community. They had also been encouraged to make use of the village's Facebook page, which was also followed by residents of neighbouring villages.
- If demolition vehicles would pass through Hampstead Norreys, Homes England should ensure that they communicated with that community too.
- Condition 20 stipulated working hours, but did not mention school hours. This had been included in the conditions for the approval of the application in 2022, and was considered to be important due to the large number of school buses passing through East Ilsley and should be included in the CEMP.
- The CEMP included grids that detailed how internal monitoring and communication would be done between the client and contractors regarding any pollution incidents, but it did not mention informing the Council and the Environment Agency, or the wider community, so the document should be revisited.
- The CEMP said that 'a Project Community Liaison Plan will be established to provide a framework for managing communications'. Homes England was urged to communicate with the ward member and the parish council going forwards.
- Nobody wanted to leave the site in its current state, but it was important for the job to be done properly. Some local residents had worked on the site or had relatives who had worked there, so they were alert to the potential issue that may arise.

### Member Questions to the Ward Member

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

- One of the reasons for the call-in was that the Parish Council had been concerned at the lack of key documents on the Planning Portal ahead of the consultation deadline. Councillor Culver shared their concerns.
- People who had previously worked at the site had submitted responses to the initial consultation, and had flagged issues such as the nuclear waste from Bikini Atoll. Councillor Culver hoped that Homes England would be willing to have discussions with these residents.

### Member Questions to Officers

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

- It was confirmed that the CMS included restrictions on all large vehicles in Compton and East Ilsley at peak times and around school start and finish times.
- All of the documents relating to this application had been assessed by the case officer and other specialist officers from Ecology, Highways and Environmental Health, and all were deemed to be acceptable. Some of the documents had been

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submitted as part of the original application. In order to save space on the website, some documents had automatically been removed from the Planning Portal, but these could still be accessed by officers, or hardcopies could be viewed at the Council Offices. Officers undertook to check whether documents had been removed from the Planning Portal for future applications.

- In relation to concerns about enforcement of restrictions on the movement of large vehicles, officers acknowledged that they would rely on the local community to report any breaches. Large vehicles would be required to enter and leave the site via the main access and use the dedicated haul route. The CMS included driver induction training and all deliveries would be managed and scheduled.
- It was confirmed that the school hours were mentioned in the Construction Method Statement. Also, a condition relating to the school hours had been imposed as part of the outline permission.
- It was explained that consultation had been in line with requirements of legislation and current policy. There was no statutory requirement for consultation on discharge of conditions. This was a technical exercise and the Local Planning Authority's normal process was to consult with the technical consultees who had recommended the conditions. The current policy was not to have public consultation on discharge of conditions, but this could be reviewed if considered appropriate. It was suggested that this could be discussed at the Planning Advisory Group.
- It was confirmed that the contractors had to conform with relevant legislation and permits. Also, Homes England had a duty to ensure that their contractors were undertaking remediation in a competent manner. The Council's Environmental Health Team had previously worked with the principal contractor, Cognition Land and Water, on remediation of the Stirling Industrial Estate and officers had every confidence in them. It was noted that Aurora Health Physics Services had carried out extensive radiological investigations and had prepared a remediation strategy. The need for further investigations had been identified due to the presence of buildings on the site. The principal contractor and a dedicated radiation protection team would be on site throughout the works. An additional report had been prepared by Public Health England (PHE) on biological agent persistence and they would be happy to visit the site to assist as needed. The Environmental Health Team was happy with all the submitted proposals. Additional remediation proposals would be submitted on the back of further investigations. Validation reports would need to be submitted to confirm that remediation had been effective and the site was suitable for use. (Councillor Phil Barnett declared a personal interest by virtue of the fact that he had previously worked for Aurora.)

### Debate

13. Councillor Tony Vickers opened the debate. He stressed the need for documents to be in the public domain for this site, regardless of the statutory requirements, due to the sensitivity of the site and the risk of reputational damage, as well as the expertise present within the community. He was concerned that there was no summary of the reports that the experts had produced previously.
14. Members were reminded that if they felt they did not have sufficient information to determine the application, then they should not vote on the item. This would apply to each of the decisions that the Committee was being asked to make.

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15. Councillor Vickers suggested that for future applications, documents should remain within the public domain, so those residents who had knowledge of the sites could see them.
16. Officers confirmed that once an application had been determined, documents were automatically removed from the website to save server space and prevent the website from crashing. However, the documents were still available for inspection.
17. Councillor Culver noted that the Parish Council would be reassured if they could see the enforcement plans. Also, she suggested that the CEMP should make provision for communicating with West Berkshire Council and the Environment Agency in the event of an incident. She asked that these be included as conditions.
18. Councillor Antony Amirtharaj was concerned that the Parish Council had not received a response to their previous letter and indicated that he was minded to abstain in any vote.
19. Councillor Heather Codling indicated that she had confidence in the officers and was reassured that they had previously worked with the principal contractor on remediation of the Sterling Cables Industrial Estate.
20. Councillor Vickers proposed to accept the Officer's recommendation and approve the information submitted pursuant to conditions 16 and 17 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Dennis Benneyworth.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Benneyworth, to approve the information submitted pursuant to Conditions 16 and 17 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Conditions 16 and 17 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

22. Councillor Howard Woollaston proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 18 Part A of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Benneyworth.
23. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Benneyworth, to approve the information submitted pursuant to Condition 18 Part A of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 18 Part A of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

24. Councillor Phil Barnett proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 18 Parts B-D of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Clive Hooker.
25. The Chairman invited Members of the Committee to vote on the proposal by Councillor Barnett, seconded by Councillor Hooker, to approve the information submitted pursuant to Condition 18 Parts B-D of planning permission

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20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 18 Parts B-D of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

26. Councillor Hooker proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 19 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report, but with the condition that the Construction Method Statement be amended to specify the times when large vehicles movements to and from the site would not be permitted. This was seconded by Councillor Codling.

27. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Codling, to approve the information submitted pursuant to Condition 19 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report, but with the additional condition that the Construction Method Statement be amended to specify the times when large vehicles movements to and from the site would not be permitted. At the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 19 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report, but with amendments to the Construction Method Statement to specify the times when large vehicles movements to and from the site would not be permitted. This was for reasons of road safety.

28. Councillor Codling proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 20 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Woollaston.

29. The Chairman invited Members of the Committee to vote on the proposal by Councillor Codling, seconded by Councillor Woollaston, to approve the information submitted pursuant to Condition 20 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 20 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

30. Councillor Codling proposed to accept the Officer's recommendation and approve the information submitted pursuant to Condition 21 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. This was seconded by Councillor Benneyworth.

31. The Chairman invited Members of the Committee to vote on the proposal by Councillor Codling, seconded by Councillor Benneyworth, to approve the information submitted pursuant to Condition 21 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report. At the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to APPROVE the information submitted pursuant to Condition 21 of planning permission 20/01336/OUTMAJ, in accordance with the schedule set out in the report.

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### (3) Application No. and Parish: 22/00858/COND1-Land South of Tower Works, Lambourn Woodlands, Hungerford

*Item starts at 1 hour, 56 minutes and 40 seconds into the recording.*

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/00858/COND1 in respect of an application for approval of details reserved by condition 9 'zero carbon', 10 'CEMP', 11 'LEMP', 16 'levels' and 18 'travel plan' of approved application 19/02979/OUTMAJ: Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale.
2. Ms Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and Officers recommended that the Development Control Manager be authorised to grant approval of the submitted details.
3. The Chairman asked Officers to comment on the matter of the item possibly facing Judicial Review and why the Committee was able to consider the application in light of this. Mr Bob Dray stated that Members would recall the reserved matters approval awarded by the Committee earlier in the year for the site. A claim had been lodged against this application and the Local Authority (LA) was currently awaiting a response as to whether or not the matter would be heard at Judicial Review. The application before the Committee involved conditions on the outline planning permission and not the reserved matters application, which was subject to the claim. There was no injunction on proceeding with development of the site or the applicant progressing their application whilst the matter was considered. If any decision was to be quashed following the court proceedings it would not affect the decision on the current application. There were no legal or planning reasons why the Committee should not proceed with determination of the application.
4. Ms Sharon Armour concurred and explained that there was an application before the LA to discharge conditions on the outline that was not subject to challenge, even if the reserved matters application was to be found to be unsound.
5. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. Mr Goddard reported that Highways Officers had only given consideration to the condition on the Travel Plan and had no comments on any of the other conditions. Highways Officers had objected to the original planning application in 2019 on sustainability grounds, which had subsequently been approved. As part of the approval, a Travel Plan had been requested and the applicant had promised the provision of a minibus to take employees to and from the site, particularly for those living in the Swindon area. The minibus was an integral part of the Travel Plan. Other measures included the encouragement of car sharing and a travel plan coordinator post to monitor implementation of the Travel Plan going forward. The proposed Travel Plan was limited however, there were limitations considering the location of the site. Highways Officers were recommending approval of the proposed Travel Plan.
6. *Councillor Clive Hooker declared an interest as he had formed part of the Committee that had considered the initial application for the site in 2019, which he had been lobbied on at the time. He confirmed that he had not been lobbied on the current reserved matters application. Sharon Armour considered the reserved matters*

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*application to be a separate application that needed to be considered on its own merits.*

7. In accordance with the Council's Constitution, Ms Bridget Jones and Mr Anthony King, Objectors, Mr James Hicks, Agent, and Councillor Howard Woollaston, Ward Member, addressed the Committee on this application.

### **Objectors Representation**

8. Ms Jones and Mr King in addressing the Committee raised the following points:
  - The Travel Plan did not contain enough details to enable a comprehensive view of the impacts of travel to the site.
  - Recognised best practice for a remote industrial site would be to include all traffic to the site within the Travel Plan and not just the workforce.
  - There was no data available on volume of the workforce, modal split, shift patterns or overlapping shifts. This was essential in this case as planning permission had been approved subject to a condition based on traffic generated by the existing facility nearby. It was queried why the information had not been provided and analysed.
  - The information provided related to the anticipated breakdown of traffic and not numbers.
  - The report was inadequate and was based on inaccurate information. In an attempt to justify the use of bicycles to access the site, the report referred to the regional cycle network next to the site. The plan referred to Ramsbury Road as follows 'the traffic volumes at the point in which the site connects to the cycle routes are low and vehicle speeds had been observed at 46mph'. This statement was incorrect. Much had changed with the rapid development of Membury and the roads were not safe. There was often speeding traffic on Ramsbury Road. The Community Speed Watch Group had recorded speeds of 58mph in a 40mph zone, with 91 cars travelling in one direction within a one hour period.
  - 90 car parking spaces included with the application would not be adequate, given that the staffing figures had risen from 40 to 200. The Case Officer was negligent in not asking for increased traffic figures. The response given to a public enquiry was that the applicant did not supply this information. This was an indefensible response.
  - It was expected that the site would generate five times the anticipated traffic. There was no overflow parking proposed for weekends and bank holidays when visitor numbers might increase.
  - The aim of reserved matters was to debate the detail. Detail was lacking throughout the Travel Plan and it did not include traffic travelling to the museum or the aircraft that would be located there. There was concern this detail had been intentionally left out.
  - The Case Officer had suggested that transport to the site should not be discussed at the current meeting however, given that a personal condition was granted allowing traffic figures to be significantly suppressed, it needed to be considered.
  - TRICS data would normally be used and if TRICS had been applied it would show an increase of 550 vehicles per day on roads not designed to carry large numbers of HGVs.

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- The tactical avoidance of using TRICS data had misled the Committee regarding the actual environmental and sustainability impact the development would have on the surrounding area and rural road network.
- It was queried what the point was of managing the environmental impact of workforce travel when there was deliberate avoidance to assess the numbers generated by the biggest polluters. The shuttle bus was deemed unsustainable by Mr Goddard and was also not enforceable. The Travel Plan submitted had a clause that stated if changes were made to the plan the applicant would inform the LA however, by then it would be too late as the development would be operational.
- The roads were unsafe for pedestrians and cyclists. There had been a marked increase in accidents on the B4000/Ermin Street and the three junctions leading to and from the site. There had been three accidents in the last week.
- There was a lack of road markings and road signage for cyclists and pedestrians, along with safe access and crossing points. There were no control measures in place to mitigate foreseeable risks.
- Regarding BREEAM, NVC Version 6 should be used. The Principal Environment Officer had asked why the submission was based on the old 2013 version and queried if this had been updated. Officers were asked if this update had taken place.
- Regarding LEMP, it was queried if the landscaping and ecological management plan was fit for purpose.
- Until all questions were answered adequately and errors rectified, the condition in relation to the Travel Plan should not be supported.

### Member Questions to the Objectors

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

- Assurance regarding the LEMP was still sought.
- Regarding the three accidents that had taken place over the last week. One had involved two cars on the Membury junction. The second accident had taken place near to a private residence that was once the Hare and Hounds Public House. This had involved a junction off Ermin Street down into Lambourn. The third accident had taken place at the junction to Chilton Foliat. All were serious accidents and it was feared that there would be a fatality imminently.
- Only cars had been involved in the accidents referred to.
- In regard to concerns about the Travel Plan, residents' expected to see some numbers including staffing figures. Staffing had increased from 40 to 200 so there must be a business plan or staff rota system that would indicate travel numbers. No evidence had been requested and no information had been given on this. It would be difficult to make an informed decision about the traffic and the transport without this information.
- The issue was that a Travel Plan based on the workforce would normally be determined after an application had been granted permission and was in operation. In the case of the current application, it was based on a personal condition, which meant all of the traffic generation was based on existing facilities. There was no reason why the existing facility could not be interpolated to provide specifics.

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- Regarding the statement in the report referencing the cycle route, this was incorrect and should be removed.
- The applicant had stated that instead of 40 jobs there would be 200 and there was no breakdown provided in terms of shifts. 20 of the 90 spaces would be electric charging points and there were also disabled spaces. Given there would be 200 staff with no information on shift overlap, the proposed parking could easily be inadequate. There was also no data provided for the museum.
- Ms Jones had not carried out any calculations personally for the museum. In her view this was for the applicant to provide.

### **Applicant/Agent Representation**

10. Mr Hicks in addressing the Committee raised the following points:

- He was the chartered town planner and agent for the application.
- The Officer's report clearly set out the background to the consented development for the site through the form of the outline and reserved matters. Officers had reported on the Judicial Review matter that was currently pending.
- The report also set out that the current application was considering the detail requested by Officers relating to the conditions attached to the outline planning permission.
- It was well established in planning law that in discharging condition there was no opportunity to revisit or further curtail granted planning permission. No further conditions could be imposed.
- The application sought to discharge five conditions, which were pre-commencement conditions relating to the outline permission. These conditions were generally technical in nature. The submitted details had been scrutinised by Officers and consultees where necessary. The Officer's report set out clearly that the submitted details met the requirements of the conditions.
- The Committee were urged to consider the Officer's recommendations and approve discharge of the conditions without any further delay.

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

11. Members did not have any questions of clarification.

### **Ward Member Representation**

12. Councillor Howard Woollaston in addressing the Committee raised the following points:

- He had opposed the application in 2019 because he had believed the location to be inappropriate. It had been heavily opposed by residents in his ward due to the significant traffic issues it would create and because it was in the Area of Outstanding Natural Beauty (AONB). Councillor Woollaston had arranged for a substitute at the 2019 Committee because he was pre-determined and the application had been approved.
- He wished to focus on part of the application including the plans. The consent was for a museum, which was part of the original consent and not a hanger as was described on the plan. Membury airfield was used for light aircraft and not twin engine World War Two cargo aircraft. Clearly the aircraft would need to be flown in, with occasional aircraft movement for essential maintenance. Councillor

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Woollaston requested a condition be added on this if approved, because his residents did not want noisy 80 year old aircraft flying over their homes.

### Member Questions to the Ward Member

- Members did not have any questions of clarification.

### Member Questions to Officers

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

- Parking levels had been reviewed in February 2023 when the reserved matters planning application had been considered. 90 parking spaces were proposed for the building and further parking was proposed for the museum. Considering there were three shifts for 200 staff, it had been recommended at the time that the level of parking proposed was adequate.
- All traffic and sustainability matters were considered as part of the outline planning application in 2019. This had included consideration of traffic levels on the B4000 and accident data.
- The accident data had been reviewed for the reserved matters application and it had been found, over ten years, that there had been no change in the number of accidents that had taken place in the area. There was no knowledge of the recent three accidents however, it normally took some months before Thames Valley Police uploaded details onto the system. Data was currently only available up to the end of 2022.
- Only the conditions set out in the report were for consideration, which included the Travel Plan. Members needed to consider if the Travel Plan was acceptable for approval. The Highway Officer's view was that it was acceptable and was the best that could be provided considering the location of the site.
- The museum was not included in the Travel Plan. It would be difficult to include because, unlike employees, there would not be the same people regularly visiting the museum.
- Issues around accessibility to the site were the points and concerns Highways Officers had raised when the original planning application had been considered in 2019. Highways Officers had objected to the original planning application because the site was unsustainable however, the application had been approved. The Committee at the time had needed to weigh up a number of issues including economic issues.
- Regarding whether the Travel Plan was still fit for purpose, it was considered highly unlikely that people would cycle to the site. There were cycle racks provided in case anyone did wish to cycle to the site.
- There was uncertainty as to whether staffing numbers had changed. The reason why personal consent had been granted in 2020 was because the level of traffic for Walkers Logistics was lower than a normal warehouse distribution use. To ensure an alternative tenant with a normal higher traffic generation did not take over the site, it was restricted to Walkers Logistics accordingly. The Travel Plan aimed for a five percent modal shift.
- It was explained how the 105 percent reduction in savings in carbon dioxide emissions was calculated. Normally the baseline was taken for a building based on building regulations. This was entered into a computer model and measures were applied. At least a 100 percent reduction was sought. In the case of the

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current application, an even more onerous position was taken because policy required the baseline to be purely based on renewables. The figure had been assessed by the Environment Delivery Team and they were satisfied with the score.

- Regarding the shuttle bus service, this had been promised by the applicant for employees as part of the Travel Plan. The Planning Policy Team would monitor this service accordingly to help ensure its retention going forward. There was uncertainty as to whether the service would be charged or free.
- There were conditions on the outline planning permission regarding public access to the museum. It was limited to 28 days per year for public access.
- Regarding whether there were conditions on restricted hours that did not allow for three shifts, it was confirmed that there were conditions restricting hours of external operation including traffic movements.
- Regarding whether the Travel Plan would be viable without the minibus, it was confirmed that if the minibus was not proposed there would be no purpose in having a Travel Plan. Members were being asked to determine the viability of a Travel Plan for a minibus and it had to be assumed that the minibus would be viable.
- Regarding the possibility of further electric charging points on the site, this was a condition that had been applied at the reserved matters stage for the site.

### Debate

14. The Chairman opened the debate by expressing that he had become increasingly uneasy about the travel arrangements associated with the development. He did not feel the Committee could safely approve the application given the Travel Plan provided. The Chairman was not convinced that what had been provided was sustainable or workable for the location. If longevity of the minibus service could be conditioned he might have felt differently.
15. The Chairman stated that he did not understand how a Travel Plan could be put in place that completely ignored 28 days per years for museum use. He was concerned that no data had been provided.
16. Councillor Phil Barnett shared the concerns raised by the Chairman. Councillor Barnett stated that he had voted on balance in favour of the original application in 2019 however, felt uneasy about the current application and would likely be voting against it.
17. Councillor Antony Amirtharaj stated that the Chairman had summarised his own concerns regarding the Travel Plan. Regarding the zero carbon condition, the detail on this set out that it was for the building and not transport movements however, it was known that traffic movements would involve that of an 80 year old aircraft and associated noise. Councillor Amirtharaj felt the site needed to be considered as a whole and was not convinced based on this that the site would achieve zero carbon.
18. Councillor Clive Hooker reported that he did not have any contention with the other conditions however, echoed concerns raised about the Travel Plan. He was concerned about the perceived traffic volume with the increased number of staff and was concerned about traffic speeds and accidents as referred to by residents. Councillor Hooker reported he was concerned about the viability of the travel bus provision over time. Councillor Hooker queried if the site was noted in the new Local Plan for further industrial use going forward and Mr Dray confirmed it was a proposed

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- allocation. Councillor Hooker felt that if it was to be considered important it was noted that access issues would remain the same.
19. In reference to Councillor Hooker's point about the site being allocated in the Local Plan, the Chairman stated that the point of the site eventually becoming a piece of allocation land had been raised when the application for the site had first come forward. It was noted however, that in 2023 the site had still not been allocated and was in process.
  20. Councillor Tony Vickers stated he had always been opposed to the site being an employment site. It was believed that people accessed the site from the motorway network and although this was beyond planning law, if this was the case he hoped they could allow what was happening to continue as it might alleviate the local traffic network, which was a concern that had been raised by residents. Councillor Vickers queried if it was possible as part of the Travel Plan to require an incentive for those using the minibus service.
  21. The Chairman reported that it would be possible for the Committee to make a split decision on the application. Mr Dray reported that each condition needed to be considered individually. He had heard concerns raised by Members regarding the Travel Plan however, the other conditions needed to be assessed on their own merits. If Members were to refuse any part of the application, reasons would need to be given. It would be considered an unsound decision if the whole application was refused based on one element.
  22. Councillor Hooker reiterated his concerns about the bus service. He was concerned about the size or number of buses required given the number of employees.
  23. Councillor Vickers stated that he never envisaged that every employee would use the bus to get to the site however, if it was to have any impact on the numbers of private journeys then it would need to be shown as achievable.
  24. Councillor Tony Vickers proposed that it was approved that all conditions were discharged apart from the Travel Plan. He felt that the Travel Plan should be refused on the grounds that it was not workable.
  25. Mr Goddard provided some guidance regarding how the Travel Plan could be improved. He felt the potential for its improvement was limited because of the location of the site. There was a shuttle bus proposed and he was uncertain of its size however, this detail could be requested and included. Mr Goddard sought guidance from Planning Officers on how the bus service could be retained going forward.
  26. In response, Mr Dray stated that there could only be a proposal put forward if the Travel Plan became unviable. If such a submission was made to the Planning Department this would need to be considered on its merits at the time. Mr Dray acknowledged the locational restraints of the development and that the Travel Plan sought to make it as sustainable as possible with the inclusion of a minibus and cycle storage.
  27. The Chairman was of the view that the Travel Plan would only become viable if data was provided associated with traffic movements. Longevity of the bus service would need to be assured. It was felt that the Committee needed to be clear that the plan was only going forward if the applicant could provide evidence that a sustainable system would be put in place.
  28. Councillor Hooker stated that it was likely that people would choose to use their personal cars rather than the minibus due to the journey times.

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29. Mr Dray clarified that there was a proposal by Councillor Vickers to approve all of the conditions apart from the Travel Plan condition. Refusal of the Travel Plan condition was on the basis of enforceability and insufficient detail and data to show how the minibus service would make a difference. Councillor Vickers did not wish to include that the Travel Plan did not account for the museum traffic.
30. Councillor Dennis Benneyworth asked for clarification that one vote was being proposed. Mr Dray reported that it was common practices, where there were numerous conditions, to have a split decision and the decision notice would set out specifically which parts had been approved and refused.
31. The Chairman sought a seconder for the proposal by Councillor Vickers and it was seconded by Councillor Woollaston.
32. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Woollaston, to approve the discharge of all conditions apart from the one condition on the Travel Plan. At the vote the motion was not carried.
33. The Chairman proposed that the conditions be approved apart from the Traffic Plan and net zero conditions. The Chairman did not feel there was enough data presented within the report to show the site would achieve net zero particularly during the construction phase. The proposal was seconded by Councillor Amirtharaj.
34. Mr Dray reported that the Energy Delivery Team had verified the Energy Statement which included the standard calculations used and concluded that it achieved zero carbon. The Chairman asked for one of the slides to be shown that referred to the construction methodology. There was uncertainty as to whether the net zero condition included the construction phase and based on this, any decision approving condition 16 would be unsound. Mr Dray asked for clarification that refusal of the net zero condition was specifically on detail relating to the construction rather than calculations related to the ongoing operation of the site and the Chairman confirmed this was correct.
35. Ms Armour asked for clarification that the reasons to refuse the Travel Plan condition were the same as what had been initially proposed by Councillor Vickers. The Chairman confirmed that this was correct. The Chairman confirmed that his proposal included approval of the conditions relating to the Levels, Landscape and Ecological Management Plan (LEMP) and Construction Environmental Management Plan (CEMP).
36. The Chairman invited the Committee to vote on his proposal, seconded by Councillor Amirtharaj, and at the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to grant planning approval of the submitted details for Conditions 10 (CEMP), Condition 11 (LEMP) and Condition 16 (Levels) as set out in the report.

**RESOLVED** that the Development Control Manager be authorised to refuse planning approval of the submitted details for Conditions 9 (Zero Carbon) and Condition 18 (Travel Plan) for the following reasons:

- Travel Plan: The Travel Plan has provided insufficient supporting information and data to justify the proposals, in particular to demonstrate that the proposed minibus was viable. It also fails to provide measures to ensure the enforceability of the travel plan, and also fails to provide adequate incentives for the uptake of the travel plan measures by staff employed at the building

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- Net Zero: Insufficient information has been included within the Energy Statement to demonstrate that the proposed measures will comply with the terms of the condition, specifically in terms of how the zero carbon requirement will be met including construction.

### Continuation of meeting

37. In accordance with the Council's Constitution, Part 3, paragraph 10.8, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(4).

### (4) Application No. and Parish: 21/02865/REG3 - The Downs School, Compton, Newbury

*Item starts 3 hours, 6 minutes and 9 seconds into the recording.*

1. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 21/02865/REG3 in respect of the extension and refurbishment of the existing school sports hall. Temporary overflow car parking space to be resurfaced and reused for the duration of the construction process. External plant compound.
2. Ms Catherine Ireland introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Control Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. Mr Bob Dray wished to clarify two points that had arisen since the publication of the report and revise the recommendation verbally. Further comments from the Drainage Engineer were included with the update sheet regarding the flood risk assessment and drainage strategy. The Drainage Engineer still had concerns however, was working with the applicant in relation to surface and ground water issues. It was recommended in the update report that if Members were otherwise content with the proposed application, then they could approve it and delegate drainage matters to Officers to resolve prior to the decision being issued.
4. Mr Dray reported that a further response had been received regarding the BREAAM matter detailed in the report. In the report, BREAAM excellent was recommended and there had been ongoing debate as to whether this was achievable. Further information had been received and Mr Dray would scrutinise this with the Environmental Delivery Team. If it was deemed not appropriate to apply BREAAM then an alternative condition would be applied setting out what environmental measures would be provided.
5. Mr Dray stated that neither of the matters related to why the application had been called in and if Members were minded to otherwise approve the scheme, then the two technical points could be delegated to Officers to resolve. This was Officers' revised recommendation.
6. In accordance with the Council's Constitution, Mr Fred Quartermain, Parish Council representative, Mr Greg Bowman (West Berkshire Council) Applicant, Mr Thomas Maxwell, Agent, and Councillor Carolyne Culver, Ward Member, addressed the Committee on this application.

### Parish Council Representation

7. Mr Quartermain in addressing the Committee raised the following points:

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- It was not in dispute that the current facility was ageing and did not meet requirements. The principle of the redevelopment of the site was not a contentious issue for the Parish Council.
- The Parish Council was concerned that the aspect of the redevelopment proposed was flawed in a number of ways. One of these areas was the use of the site.
- The sports facility on the site had been in place for a number of years. It was Council owned however, was not just a school sports hall and since it had opened had been a community facility outside of school hours including evenings, weekends and school holidays. It was currently open to the public Monday to Thursday, 6pm until 10pm. It was available for private hire on Fridays and at weekends. The local archery club used the hall most Friday evenings and every other Saturday morning. Summer holiday clubs were also run at the facility.
- The Council had produced its own report regarding use of the facility, which clearly recognised the facility for community use and as a community asset. There had been 8088 public attendances at the facility over the last year consisting predominately of local clubs but also individual members of the public. The data demonstrated a small but thriving community facility. In despite of this, the Case Officer's report stated that public use of the facility was a civil matter outside of planning consideration. It was felt that this was incorrect. Adopted planning policy required the loss of the facility for use by the public to be considered as part of the Committee's decision on the application. This was clearly set out in Compton's Neighbourhood Development Plan, which was referenced in the Officer's report and was a thread that ran through all levels of the Local Authority's (LA) planning policy.
- Ensuring ongoing community use was an important policy consideration and the LA should be ensuring that the ongoing community use was secured as part of the process whether through a condition or planning obligation. It was an approach the LA had used elsewhere when securing community access to developments.
- Failure to recognise the need for ongoing community use would amount to a failure to comply with the Public Service Equality Duty. It could negatively impact upon those with protected characteristics. The dismissive approach taken in the Officer's report was directly at odds with the LA's duty.
- Regarding noise, the Parish Council and residents were concerned about the impact of the new external plant area and conditions needed to be put in place to ensure there was no harm caused to amenity.
- In terms of design, the Parish Council felt that the design of the building did not respect the site's location in the Area of Outstanding Natural Beauty (AONB). Large amounts of glazing and a modern design was proposed, which the Parish Council felt would be harmful. Conditions were proposed to deal with external light however, no consideration had been given to the amount of light pollution that would spill from internal lighting during evening and weekend usage due to the glazing. The glazing had also led to privacy and safeguarding concerns. Obscured glazing had been suggested however, this had not been secured at the current stage.
- Finally, the Parish Council felt the application was a missed opportunity to address ongoing issues around parking for the school, which already caused a significant and detrimental impact on local amenity. The application, if approved, would drive parking away from the school site and onto surrounding roads certainly during the

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construction phase. Given the design and parking issues raised, the Parish Council felt the application should be refused and refined to deliver better outcomes. If approved, further conditions must be imposed regarding noise and light pollution, and the protection of community use must be ensured.

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

8. Members asked questions of the Parish Council representative and were given the following responses:

- Mr Quartermain did not feel it was for him to advise whether the issue of community use should be covered as a Section 106 obligation rather than a condition. It was felt however, that a planning obligation would be appropriate.
- Mr Quartermain was not aware of the contractual arrangements and whether the school benefitted from community use of the facility. The report produced by the Planning Officer suggested it was outsourced to an external supplier and that any benefit was not secured wholly by the school. The fact was that there was an existing thriving community use and the way the application was currently being dealt with did nothing to protect this.

### **Applicant/Agent Representation**

9. Mr Bowman (Applicant) and Mr Maxwell (Agent) in addressing the Committee raised the following points:

- They supported the application, which had been brought to the Committee on behalf of West Berkshire Council's Education Service, to extend and refurbish the dilapidated sports hall at The Downs School.
- This would have the benefit of providing a fit for purpose sports hall which met the Department for Education's guidelines. It would extend the sports hall from three to four courts, which was in line with other school sports halls elsewhere. It would provide excellent modern facilities for students to participate in sport and encourage healthy hearts and minds.
- It would replace a poorly performing building, with a refurbished and extended sports hall, which would perform much better in terms of energy sustainability than the current building. It would be net zero in operation.
- Efficiency of the car park would be improved providing additional accessible parking. The north car park would be resurfaced with parking denoted. Both car parks would remain operational during the building and works would be phased.
- It was hoped the Committee would support the proposal and grant planning permission.

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

10. Members asked questions of the Applicant/Agent and were given the following responses:

- It was confirmed that phasing of the work would take place outside of school term time. In reference to the disturbance to trees in terms of nesting times, it was confirmed that most of the work on the car park would not impact on the trees. Most of the planning for the tree areas was for them to remain as they were currently. The north car park was currently a gravelled space, which would be removed, levelled and then re-gravelled with denoted parking bays. It could not be guaranteed that it would prevent parking on surrounding roads however, it would not impact on the current parking onsite.

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- Regarding usage of the facility outside of educational usage, the facility would provide the ability for community use however, Mr Bowman did not have any information on whether community use would continue.

### Ward Member Representation

11. Councillor Culver in addressing the Committee raised the following points:

- Councillor Culver had called the application in 19 months ago.
- Councillor Culver welcomed the fact that the Council wished to improve the facility however, she had some concerns along with the Parish Council and residents.
- Highways' colleagues acknowledged that there might be a temporary displacement of sixth form students' cars from the school site to neighbouring streets during the construction phase and had suggested less spaces would mean less students used their cars. Councillor Culver felt that this failed to recognise that it was a rural school where sixth form students travelled in from a wide catchment, and the only public bus route ran every two hours. Unless students lived in the villages served by the bus route, it would not be of any use to them.
- There was already pressure caused by parking on neighbouring streets, which the school and Councillor Culver had received complaints about. Councillor Culver strongly recommended to the school that if the application was approved, they should work out how to ration spaces so that those who could not walk, cycle or use the bus were prioritised for a parking space.
- Members were told at the site visit that a tree would be lost. Councillor Culver requested that this be addressed in the conditions.
- Councillor Culver felt it would be helpful to have clarity about when work would take place and how long it would take given the longest school break of the year was coming to an end.
- The Parish Council and residents who ran the public provision at the school were concerned about public access to the new facility. While the Officer's report stated 'it is understood that consultation will be held regarding the community use of the facilities', coaches that ran some of the public provision had informed Councillor Culver that they had received no response from the new leisure contractor despite raising concerns with them. They had not been consulted ahead of the tender exercise and as a consequence they were now experiencing problems they did not have under the previous contractor.
- Councillor Culver reiterated that she had made the call-in 19 months ago and queried why no reassurance been provided in the meantime. Concerns had been heightened by the apparent lack of interest of the new contractor in engaging with the coaches.
- In February 2022, Compton passed its Neighbourhood Development Plan at referendum. The document stated that planning decisions should 'guard against the unnecessary loss of valued facilities'.
- When the Institute received planning permission shortly after the referendum, the following policies were not met: policy C2 for the number of homes; policy C4 district heating; policy C5 housing mix; policy C6 hostel retention; policy C7 regarding house size and policy C11 business hub. Councillor Culver stressed it was important that policy C12 on community facilities was not ignored as well.

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- The school had experienced flooding on site. School staff had showed Councillor Culver a building where students needed to jump across a flooded path to get in and out.
- The Principal Engineer for Drainage and Flood Risk had raised a series of concerns since February 2022. Members had been given sight of his emails from February 2022, April 2022, June 2022 and August 2023 on the planning portal.
- On 15th August the Principal Engineer for Drainage had written 'The FRA needs to be revised'. Councillor Culver stressed that this was a fundamental problem and from looking at the emails she had no confidence that policy CS16 could be met. Councillor Culver queried why the Principal Engineer's concerns had not been sorted 18 months after his first concerns were raised, so that Members could vote with confidence that his concerns had been dealt with.

### Member Questions to the Ward Member

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

- Regarding the glazing being one of the reasons for the item being called in, Councillor Culver did not feel the issue had been resolved and agreed with Mr Quartermain's existing concerns regarding the proposed glazed design.

13. Councillor Woollaston noted that there were a number of areas that had been raised by Councillor Culver that had not been addressed in the report. On this basis he queried if the application should be deferred. Ms Sharon Armour advised that the Committee should proceed with questions to Officers before making a decision about whether to defer the item.

### Member Questions to Officers

14. *Councillor Heather Codling declared an interest in the item as she was the Portfolio Holder for Education and was aware of the application.*

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

- On whether the glazed element of the proposal was necessary, the Planning Authority had to consider the application before it, and assess it on its merits. It was expected that the proposed glazing related to the amenity of the facility and because it provided a nice outlook. A condition had not been added to secure obscured glazing because the distance to the public right of way did not make this necessary. This was not a condition recommended by Planning however, might be something Members wished to consider.
- A planning condition should only be added to make the development acceptable. Concern regarding the glazing had been raised and during the course of the application process the applicant had offered to obscure glaze the windows to half way up. Planning Officers did not however feel that this was necessary due to the distance involved to the public right of way and had therefore not recommended it as a condition. It was expected that the applicant would accept a condition on this if Members felt it was necessary on planning grounds.
- It was confirmed that the contract between West Berkshire Council and the leisure contractor was not a planning matter however, community use of the facility possibly was.
- The application included a proposal to extend and refurbish the sports hall with new facilities. Nothing that was being proposed would remove the possibility of

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community use and no change of use was proposed. Members could request that details regarding community use be secured if wished and this might be an element the Committee wished to debate.

- In terms of the best way to secure community use going forward, both conditions and Section 106 Agreements aimed to secure measures in the planning permission. The National Planning Policy Framework (NPPF) was clear that conditions should be used where possible. A S106 Agreement should only be resorted to when a condition would not suffice and there was no reason that could be identified as to why a S106 would be required over a condition.
- Regarding Mr Quartermain's statement that adopted planning policy requested the potential loss of the facility be considered as part of the decision, there was no evidence in the planning application that there would be a change of use to stop the community use.
- The latest position regarding SuDS had arisen since publication of the planning report including the issue of ground and surface water. The Drainage Officer was not content with the drainage strategy submitted. If Members were minded to otherwise approve the application then drainage could be delegated to Officers as a technical matter to ensure the Drainage Officer was satisfied with the scheme before proceeding. If there were any fundamental changes required to the scheme it was likely it would be brought back to Committee for consideration.

### Debate

16. Councillor Vickers opened the debate by stating he hoped it would not be necessary to defer the item and set out what he deemed to be the key issues. On the matter of community use, Councillor Vickers stated that he would like to accept Mr Dray's suggestion of adding a condition that required proposals on continuing with community use to be set out.
17. Councillor Vickers was concerned about the parking issues raised and felt that a Travel Plan condition could be added. It was not only the reduction in the available space that was an issue but also a way of rationing available spaces was required. The footprint of the building was being increased at the expense of land available for parking and therefore it was felt this would be a reasonable request.
18. In terms of drainage and SuDS, Councillor Vickers commented that the impermeable surface was not increasing significantly and based on Councillor Culver's comments, it sounded like this was an existing issue. Councillor Vickers felt that the applicant should not be asked to deal with an existing problem. If a new drainage strategy was required, this might be something that was outside the remit of the application. Councillor Vickers stated he would be happy to delegate the matter to Officers.
19. Councillor Vickers stated that he was content with the glazed aspect of the proposal and what had already been offered by the applicant. He felt to be exercising in a windowless environment would not be good for one's mental health. It was not felt that the child protection matters raised were significant, as there was little difference to children playing out on the school field as they did currently.
20. Councillor Culver stated that the applicant was not being expected to deal with the existing flooding issues. The Flood Engineer had specifically considered the application. Councillor Culver's point had been that there was already an issue on site and the Flood Engineer had stated that the proposal would require a new flood risk assessment. Her point was that if the proposal was approved the issue would be compounded. Members needed to consider the application on its merits and the

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Drainage Engineer currently did not consider this area of the application to be adequate. The Drainage Engineer's concerns dated back to February 2022 and Councillor Culver queried why the matter had not been addressed.

21. Councillor Culver was of the view that if the issues of drainage and community usage had been addressed earlier there would be confidence in the scheme being granted approval and going ahead. Councillor Culver did not want to prevent a positive application from going ahead however, felt that by voting in favour of the scheme she would be going against the comments of the Flood Engineer. Councillor Culver wanted to feel confident that the Flood Engineer's concerns had been addressed. Councillor Culver felt that a condition was also required on public usage. Concerns about both aspects had been raised by the public and the Parish Council 19 months ago and Councillor Culver felt that West Berkshire Council as the applicant should have rectified the issues.
22. The Chairman asked if Councillor Culver would be in support of the issues mentioned being delegated to Officers to resolve and she confirmed that she would not support this approach.
23. Councillor Codling stated that she supported the proposal. It was necessary for the school to have the facility. Councillor Codling had believed the intention was for community use to continue and this was why Everyone Active had pushed for the scheme to be progressed.
24. Councillor Amirtharaj stated that although he would support the proposal he was concerned about the privacy issues raised by the Parish Council with regards to the glazing. He was not convinced that the distance to the public right of way was sufficient. Councillor Amirtharaj felt the building needed to be fully obscured. The Chairman stated that it was not within the remit of the Committee to redesign the building. Mr Dray confirmed that the Committee could debate the matter and add a condition to ensure obscured glazing was put in place.
25. Councillor Culver proposed that the item be deferred until further information was obtained regarding community usage and the drainage issues. Councillor Woollaston seconded the proposal. The Chairman invited the Committee to vote on the proposal and at the vote the motion was not carried.
26. Councillor Hooker agreed with the comments raised by Councillor Vickers. Councillor Hooker proposed Members accept the recommendation to approve planning permission subject to conditions being added in line with Councillor Vickers comments. Councillor Vickers seconded the proposal.
27. Mr Dray clarified the conditions that Councillor Hooker and Councillor Vickers wished to add to the proposal. It was acknowledged that the proposal was to accept the Officer recommendation as set out in the report and update sheet including the delegation of matters regarding BREEAM and SuDs to Officers.
28. Regarding concerns about parking and phasing, rather than a Travel Plan Mr Dray suggested that condition five on the construction method statement be amended and extended to explain about phasing and timings. Councillor Vickers stated that it was not just the construction method statement but also the finished plan. He felt the school would need to ration the use of parking spaces and this might require a Travel Plan. Mr Dray acknowledged that concerns related to the operation of the site as well as the construction phase and therefore suggested that as well as amending condition five, a separate condition be added to ensure a plan was provided for how parking on the site would be operated. Details on this would need to be provided prior to occupation.

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29. Mr Dray further clarified that a condition was required regarding community use. This would state that prior to occupation, a scheme of community use should be submitted to the Council for approval.
30. Regarding a condition on obscured glazing, Mr Dray clarified with Councillor Hooker that he wished for half of the window to be obscured. Councillor Vickers confirmed he was content with this proposal.
31. Mr Paul Goddard reported that there had been a time when every school in the district had a Travel Plan. He was unsure of the current Travel Plan arrangements for the school in question or whether it still existed. A Travel Plan condition could be included or it might be possible to update the current Travel Plan to account for the current proposal if approved. Regarding condition five on the construction method statement, Mr Goddard was aware of concerns regarding the overspill of parking onto nearby roads during the construction phase and suggested an additional line was added to ensure staff car parking continued on the site.
32. Councillor Hooker and Councillor Vickers confirmed that they agreed with the clarification provided on conditions by Officers.
33. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker seconded by Councillor Vickers to grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Development Control Manager be authorised to grant planning permission subject to (1) resolution of the drainage and BREEAM issues (including applying any necessary conditions) within 3 months of the date of the committee meeting, or such longer period as agreed by the Development Control Manager in consultation with the Chairman of the committee, and (2) the additional/amended conditions as set out below;

**OR** in the event that the drainage and BREEAM issues are not resolved, that the application is brought back for the consideration of the committee.

### Conditions

5.	<p><b>Construction method statement (amended)</b></p> <p>No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:</p> <ul style="list-style-type: none"><li>(a) The parking of vehicles of site operatives and visitors, <b>including a plan to manage the phasing and timing of work with the available parking across the school site</b></li><li>(b) Loading and unloading of plant and materials</li><li>(c) Storage of plant and materials used in constructing the development</li><li>(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing</li><li>(e) Wheel washing facilities</li><li>(f) Measures to control the emission of dust and dirt during construction</li><li>(g) A scheme for recycling/disposing of waste resulting from demolition and construction works</li><li>(h) A site set-up plan during the works</li><li>(i) Temporary parking school uses during construction</li></ul> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and in</p>
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	<p>the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.</p>
	<p><b>Travel Plan (additional)</b>  The development hereby permitted shall not be brought into use until a Travel Plan (or an updated Travel Plan) for the school has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Travel Plan shall be implemented from the development first being brought into use. It should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.</p> <p>Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking and/or management of parking across the site. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
	<p><b>Scheme of Community Use (additional)</b>  The development hereby permitted shall not be brought into use until a scheme of community use has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.</p> <p>Reason: To prevent the loss of valued community use in accordance with the National Planning Policy Framework, and Policy C12 of the Compton Neighbourhood Development Plan.</p>
	<p><b>Obscure glazing (additional)</b>  The studio window at first floor level in the eastern elevation shall be fitted with obscure glass or an opaque frosted film across the lower half of the window (in accordance with drawing number 20083-OA-B1-ZZ-DR-A-5002/P6) before the extension hereby permitted is occupied. The obscure glazing / opaque frosted film shall be permanently retained in that condition thereafter.</p> <p>Reason: To safeguard the privacy of the users of the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).</p>

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*(The meeting commenced at 6.30 pm and closed at 10.28 pm)*

**CHAIRMAN** .....

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