

Notice of Meeting



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Eastern Area Planning Committee

Wednesday 19th December 2018 at
6.30pm

At the Calcot Centre, Highview (off Royal Avenue), Calcot

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 11 December 2018

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Calcot Centre between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: planapps@westberks.gov.uk



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Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Stephen Chard / Jessica Bailiss on (01635) 519462/503124 Email: stephen.chard@westberks.gov.uk / jessica.bailiss@westberks.gov.uk



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To: Councillors Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Emma Webster

Substitutes: Councillors Rob Denton-Powell, Lee Dillon, Sheila Ellison, Tony Linden, Mollie Lock and Quentin Webb

Agenda

Part I

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1. **Apologies**
To receive apologies for inability to attend the meeting.
2. **Minutes** 7 - 26
To approve as a correct record the Minutes of the meeting of this Committee held on 28th November 2018.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
 - (1) **Application No. & Parish: 17/00186/COMIND - The Grotto, Lower Basildon, Reading** 27 - 78
Proposal: Conversion and refurbishment of existing listed residential building into 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses.
Location: The Grotto, Lower Basildon, Reading
Applicant: SUSD Goring Ltd
Recommendation: To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions, (subject to any



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changes to be agreed with the applicant), and the completion of a Section 106 Legal Agreement within 3 months of the date of this committee, or a longer period of time agreed in consultation with the Chairman/Vice Chairman and Ward Member, authorised by the Head of Development and Planning .

Or, if the S106 legal agreement is not completed, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION**.

- (2) **Application No. & Parish: 18/02512/HOUSE - Pightles, Tutts Clump, Reading** 79 - 92
Proposal: Two-bay garage to front of property (Section 73 application to vary Condition 1 of Planning Permission 17/01646/HOUSE)
Location: Pightles, Tutts Clump, Reading, Berkshire, RG7 6JU
Applicant: Chris Newman and Lindsey McNeil
Recommendation: To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

Items for Information

5. **Appeal Decisions relating to Eastern Area Planning** 93 - 94
Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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DRAFT

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

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 28 NOVEMBER 2018

Councillors Present: Peter Argyle, Pamela Bale, Graham Bridgman, Richard Crumly, Marigold Jaques, Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Richard Somner, Quentin Webb (Substitute) (In place of Keith Chopping) and Emma Webster

Also Present: Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), David Pearson (Development Control Team Leader) and Simon Till (Principal Planning Officer)

Apologies for inability to attend the meeting: Councillor Keith Chopping and Councillor Alan Law

PART I

36. Minutes

The Minutes of the meeting held on 7 November 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Item 33 (1) – 18/00878/OUTMAJ, 72 Purley Rise, Purley on Thames – Condition 13 (first sentence):

Variation HIGH1 – Layout and Design Standards (YHA1)

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road, **footway** and footpath design and vehicle parking and turning provision, and the developer shall enter into a S278 Agreement for the construction of the access, as detailed on drawing number 8170661/6103 Rev A, and a S38 Agreement for the adoption of the site.

37. Declarations of Interest

All Councillors declared an interest in Agenda Item 4 (1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter, with the exception of Councillor Graham Bridgman who determined that he would abstain from voting on the matter.

38. Schedule of Planning Applications

(1) Application No. & Parish: 18/02121/OUTMAJ - Lakeside, The Green, Theale

(All Councillors declared a personal interest in Agenda Item 4(1) by virtue of the fact that they knew the applicant's agent, Mrs Liz Alexander, as she was formerly an employee of West Berkshire Council. Mrs Alexander would be addressing the Committee on the application. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter, with the exception of Councillor Graham Bridgman who determined that, in his capacity as Portfolio Holder for Adult Social Care, he would abstain from voting on the matter.)

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(Councillor Emma Webster declared a personal interest in Agenda Item 4(1) by virtue of the fact that her employer was a retirement and care home developer (extra care units). She did not however work for the extra care provider associated with this application, but wanted to raise this for clarification purposes. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)

(Councillor Alan Macro declared a personal interest in Agenda Item 4(1) by virtue of the fact that he lived in The Green, Theale. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Graham Bridgman declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was West Berkshire Council's Portfolio Holder for Adult Social Care and he would be addressing the Committee in this capacity. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate but he would abstain from voting on the matter.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/02121/OUTMAJ in respect of a Section 73 application to remove Condition 31 (age restriction) of planning appeal APP/W0340/W/16/3159722 (15/02842/OUTMAJ).

Simon Till, Principal Planning Officer, introduced the report which had been referred to Committee for determination by the Development Control Manager.

Mr Till explained that outline planning permission was in place for the entire Lakeside scheme for residential development of up to 325 houses and apartments including 70 extra care units. This application was to remove Condition 31 which stated that:

'The proposed 'extra care' units shall not be occupied other than by persons over the age of 55 years, and by the spouse, partner, or dependents of such a person.'

Subject to approval, the scheme would be altered to provide up to 50 residential flats instead of the approved 70 extra care units.

Alongside the removal of Condition 31, a Deed of Variation was sought in order to uplift the level of affordable housing provision on the site from 12% to 25% (an increase of up to 76 affordable dwellings), but in doing so the overage clause would be removed from the agreement. This clause required a review of viability at the stage when the site had been 90% completed in order to establish whether an additional financial contribution towards off-site affordable housing provision should be made.

Officers considered that approval of the application would help to meet both market need and affordable housing need in the area, and would help to facilitate the development. Further, it was the Officer view that the benefits outlined weighed heavily in favour of the application, in comparison to the existing permission, and conditional permission was therefore recommended.

Councillor Quentin Webb sought clarification on whether or not the Committee was able to alter a condition and a legal agreement set by the Planning Inspectorate. In response, Mr Till explained that the Town and Country Planning Act contained provision to vary conditions as part of a Section 73 application. The Act did not distinguish between conditions imposed by either local authorities or the Planning Inspectorate. Therefore, the Committee could lawfully vary/amend the relevant condition and the legal agreement without making reference to the Planning Inspectorate.

In accordance with the Council's Constitution, Mrs Liz Alexander, agent, addressed the Committee on this application.

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Agent Representation

Mrs Alexander in addressing the Committee raised the following points:

- She explained that the Section 73 application to remove Condition 31 had been submitted following the difficulties encountered with marketing and selling the site with the inclusion of the extra care housing and the inclusion of the overage clause.
- The applicant had actively marketed the site to a number of residential developers as they wanted the site to be purchased and developed. Unfortunately no bids had reached the final stages of the process.
- These concerns had therefore been reported to the Council and the application sought to remove the extra care housing and the overage requirements.
- As explained by the Planning Officer, the 70 extra care units would be replaced by 50 flats together with an adjustment to the car parking requirement. The overall density would also be reduced.
- An indicative layout had been provided to the Council and pre-application advice had been sought. The Council advice was that there was not a requirement for extra care units on the site.
- Officers had welcomed the boost that approval of this application and its resultant development would bring to the District's housing numbers. The principle of the development had already been established in the Housing Site Allocations Development Plan Document (HSA DPD) and the number of units would contribute to West Berkshire's land supply (once developed) between 2020 and 2022.
- The increase to a 25% affordable housing contribution, which was an agreed commitment, would more than double the already approved 12%. This would offer certainty to both the Council and the appointed developer. In return, the applicant was seeking the removal of the overage provision via the Deed of Variation.
- The Officer recommendation was for approval subject to conditions.

Questions from Members

Councillor Webster sought assurance that should this application be approved, then a future application would not be submitted seeking to reduce the affordable housing contribution. Mrs Alexander explained that viability work showed that the application, including the 25% affordable housing contribution, was deliverable by a registered developer. However, a 100% guarantee could not be given.

Councillor Webster noted the point made in relation to extensive marketing. She queried if this included approaches to care/retirement developers. Mrs Alexander confirmed that five assisted living/care operators had been approached.

Councillor Richard Crumly queried if there were further reasons to explain why development had not proceeded to date. Mrs Alexander repeated the points she had already made that the applicant was eager to sell the site and for it to be developed. However, as explained, extra care units were not attractive to the market, demand for such accommodation had reduced and the overage requirement presented to developers a particularly high cause of uncertainty.

Councillor Webster then made the point that overage requirements were not peculiar to West Berkshire and, as a standard practice, should not present a particular problem to developers. Mrs Alexander advised that the overage requirement was a factor which had prevented the development of the site. The fact that this requirement would become a

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consideration once the site had been 90% completed added to this concern. Mrs Alexander was not aware if developers had cited a lower percentage.

Councillor Webb noted that it was proposed for the 50 flats to be provided via 27 single bedroom and 23 two bedroom flats. He queried how the need for the single bedroom flats had been identified. Mrs Alexander explained that regard had been given to the housing numbers/requirements outlined in the Strategic Housing Market Assessment (SHMA).

Ward Member Representation

Councillor Macro, speaking as Ward Member, raised the following points:

- The majority of residents in Theale were accepting of the development. An area of concern had been the overall number of units and the height proposed of the flats. This proposal would reduce the number of units. It would also have a lesser impact on local resources, i.e. GP surgery.
- The application was therefore welcomed and Councillor Macro considered it to be a move in the right direction.

Member Questions to Officers

Councillor Marigold Jaques asked why Adult Social Care (ASC) had not originally been asked to comment on the application. Mr Till acknowledged that ASC had not been consulted in the first instance, but this was based on the Officer view that the extra care housing from the existing planning application was a windfall. The extra care provision had been proposed by the applicant and was not a requirement stipulated by the Council.

However, once Councillor Macro had highlighted as a concern that ASC had not provided feedback, ASC were consulted. Their comments were outlined in the update sheet as was a response to the comments from Planning Policy. The Planning Policy viewpoint again highlighted the fact that the extra care units were proposed by the applicant rather than being sought by the Council. In order to accord with Policy CS4 of the Core Strategy, clear evidence would need to be provided to support a decision, i.e. for extra care housing. However, despite the comments that had been received from ASC being noted, the Planning Policy view was that there was not robust evidence from ASC to support demand for extra care housing.

Mr Till concluded on this point by stating that the benefits of extra care housing had been considered, but these were outweighed by the benefits of this application including the increased affordable housing provision. This application would also help to address the market concerns that had been raised by the applicant.

Councillor Crumly asked for greater clarity on how the overage clause would be implemented if this application was refused. Mr Till reiterated that the clause stipulated a need to conduct a viability review when the development was 90% completed. The 12% affordable housing contribution had been secured. If the viability review found that the site would yield a higher sum than predicted then an offsite affordable housing contribution would be sought.

However, the Officer view was that the increase to 25% affordable housing should be supported in comparison to the 12% plus overage. The 25% proposal was the consideration for this application.

Councillor Macro referred to the minutes of the Eastern Area Planning Committee of 18 January 2017 when the need for a master plan for the site was highlighted. He therefore queried why this was not referenced in either the planning report or the Planning Inspector's report, and whether this requirement could be imposed. Mr Till explained that the Planning Inspector considered that the indicative layout and site parameters provided

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with the application fulfilled the master plan requirement for an outline planning application. This could therefore be considered as the master plan.

Councillor Macro followed this by querying whether the site layout would remain unaltered at the reserved matters stage. Mr Till responded by referring to Condition 6: Details of scale and layout (as revised in the update sheet). It had been amended to state that 'The details of scale and layout to be submitted under Condition 2 shall accord with the parameters shown in the submitted plans. This was a change from the original wording which stated '... shall **generally** accord...'

Councillor Webster noted from the report that the overage clause had been recommended by the Council's independent valuer and she queried whether the proposed removal of this clause was based on a revised viability assessment. Mr Till confirmed that this was not the case. Officers considered that an increase to 25% affordable housing was a significant uplift. It was felt that a revised viability assessment would come with an additional cost and with little extra purpose. The Officer view was that the proposal before Members offered the best deal available.

Councillor Webster pointed out that 25% affordable housing was still 15% below the level set by the Council. She then queried, if the overage clause was removed, if any certainty could be offered that the applicant would not return with a further planning application at a later stage which cited viability concerns and which sought to reduce the 25%. Mr Till explained that no certainty could be given on this point. However, the Planning Inspectorate's appeal decision did accept the requirement for both the affordable housing requirement and the overage clause, and this could be a reference point for future viability discussions should this become necessary.

Councillor Graham Pask followed this by asking, should an application come before Committee in future which sought a reduction to the 25% affordable housing, whether there would be a requirement at that time for a full viability report to support that case. David Pearson responded to this point by advising that the reasonableness of any such request would be the first consideration and on that basis a new viability assessment had not to date been sought. He added that the applicant had presented a well-made case to adjust the affordable housing. This outlined the view from the applicant that the development could be brought forward in the relatively near future for a site that had been awaiting development for around 15 years. If the item was deferred or a new viability assessment requested then delays would continue. The developed site would clearly benefit West Berkshire's housing provision numbers.

Mr Pearson concluded by stating that a very good viability argument would need to be put forward by the applicant before any new application was put before the Planning Committee.

In response to a query from Councillor Webster, Gareth Dowding confirmed that the highways modelling did take into account plans from the Royal Berkshire Fire and Rescue Service to develop a new fire station on Wigmore Lane in Theale.

Portfolio Holder for Adult Social Care (ASC) Representation

Councillor Bridgman, speaking as Portfolio Holder for ASC, raised the following points:

- He commented that successful marketing was a matter of price.
- The extra care housing provision had been described as windfall. However, permission had been granted by the Planning Inspectorate at appeal.
- There was no needs based assessment as ASC had not had the opportunity to investigate this. He agreed with the point raised by Councillor Jaques that

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consultation with ASC should have taken place at an earlier stage in the process (as highlighted at the time by Councillor Macro).

- The points made by Planning Policy did not take account of the ASC Market Position Statement.
- Councillor Bridgman had recently discussed this matter with the Head of ASC and Councillor Bridgman proposed that a decision on the planning application be deferred to enable ASC to respond properly with data and evidence as to the need for extra care housing.
- An e-mail exchange which followed between Councillor Bridgman and the Head of ASC, contained in the update report, highlighted that:
 - the development of further extra care housing would be an appropriate response to West Berkshire's ageing population and was a longstanding intent set out in the ASC Market Position Statement;
 - there was no extra care offer in West Berkshire which was east of Thatcham;
 - extra care housing schemes helped to avoid unnecessary care and would assist the Council as the development of extra care housing would support the Council in complying with its duties regarding choice;
 - ASC was open to a range of measures which might make the provision of this extra care housing scheme more appealing such as flexibility regarding the age of tenants. In addition, ASC was open to a mixed offer incorporating a shared ownership model.
- Councillor Bridgman then referred in more detail to the 2015 ASC Market Position Statement. Its purpose was to set out the Council's vision for care and support services in West Berkshire, and to set out the Council's intentions as a strategic commissioner of services.
- The Council needed to respond to the requirements of the Care Act 2014 to meet the needs of an ageing population and promote choice in a challenging financial climate. The predicted increase in the proportion of the population who would be aged over 65 in the next ten years would have significant implications for West Berkshire in the commissioning of health and ASC services.
- The Market Position Statement served to communicate the commissioning intentions for West Berkshire and to engage with the care and support market on how best to achieve those intentions. A key aim was to enable an improved understanding of the existing and future development of the local ASC services market. This was particularly important given the rapidly altering and challenging environment for ASC.
- Extra care had been highlighted as a viable long term accommodation option for the ageing population. It enabled people to have their own tenancy and front door with care support when required. This arrangement provided increased independence for people and a lower cost to the local authority than residential or nursing care provision. There were currently three extra care developments in the district; Alice Bye Court in Thatcham, Audrey Needham House in Newbury and Redwood House in Hungerford.
- There was a recognised requirement for more extra care provision in the district and preference was for provision in the east of the district. Development opportunities might present themselves as part of the HSA DPD and ASC would be happy to discuss potential sites with developers. Minimum provision was for 45 units – a

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requirement to ensure viability, with shared ownership opportunities as well as rented provision proving very popular tenure choices.

- Councillor Bridgman did not accept the argument that the Council had not asked for extra care housing from the outset. The reason for this was as already highlighted, i.e. a lack of prior consultation with ASC. He explained that a waiting list had not been kept for a service which did not exist.
- Councillor Bridgman repeated his proposal for the item to be deferred in order to give ASC time to pull together supporting data/evidence. This would include information on residential care placements and higher cost domiciliary care packages in the east of the district compared to those in place across the remainder of West Berkshire. A greater understanding could also be established of residents in extra care housing in order to identify from where they originated.
- Councillor Bridgman felt that the supporting data could be produced by ASC over the next couple of weeks.

Debate

Councillor Pask fully noted the points raised by Councillor Bridgman. However, he queried their relevance in planning terms. A decision had to be based on planning law and planning grounds.

Mr Pearson responded by agreeing that the provision of both affordable housing and extra care housing was very desirable. The Planning Policy Team had commented on the level of need and pointed out that there was a requirement for clear evidence to support a decision to insist on the provision of extra care housing. This evidence was available from Housing Officers for affordable housing and the applicant had put this case forward. However, ASC could not do likewise for extra care housing at this point in time and a deferral would be necessary to obtain this data.

If the application was deferred and ASC made a case for extra care housing, the applicant's position would be unchanged on the likelihood of being unable to sell the site. The applicant could also lodge an appeal on the grounds of non-determination.

Mr Pearson felt that this application presented the most sensible choice in the circumstances, but Members could take the decision to defer their decision. However, the same arguments would likely be made by the developer when the application returned to the next meeting.

Councillor Pamela Bale noted from the report that many Council service areas had been consulted on the application, but, as already noted, this did not initially include ASC. She asked when this consultation took place. Mr Till reiterated that this took place when the matter was raised by Councillor Macro that ASC had not been consulted and might want to comment. The Head of ASC was then consulted and comments were received.

Mr Till again made the point however that the extra care housing need was not identified by the Council, it was brought forward by the applicant. Therefore, Officers took the view that initial consultation with ASC was not necessary. Mr Pearson added that this revised scheme was a better fit with planning policies than the already permitted scheme and was a good alternative. Proof of the extra care housing need was not available from ASC, however he accepted that, with hindsight, ASC should have been consulted at an earlier stage and he apologised for that omission.

Councillor Bridgman reported that ASC faced enormous pressures, as evidenced by the ASC Market Position Statement. The service was not given the opportunity to comment

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at the same time as Housing and this should have been the case. He therefore wanted ASC to be given additional time to evidence need, hence the proposed deferral.

Councillor Webster queried how the removal of the overage was highlighted in the report. The removal of condition 31 only stated the age restriction. Mr Pearson advised that this would be addressed through the Deed of Variation.

Councillor Pask stated that the Planning Committee needed to take account of all available evidence before them. He was concerned that deferral could place an unfair requirement on the applicant and queried if this could be appealed. As explained by the agent, the applicant had already sought to market the site for extra care housing.

Mr Pearson repeated that if deferred, the applicant could lodge an appeal on non-determination of the planning application. In his view, there was sufficient information available to enable the Committee to determine the application at this meeting. This application was more compliant with Planning Policy. However, he did understand Councillor Bridgman's concerns and his request for further time to enable more detailed ASC input.

Councillor Webb did not support the proposed deferral. As outlined in the update report, ASC did not currently have the data available to evidence the need for extra care housing. In addition, as had been explained, the applicant had not been able to market the site for extra care provision. He agreed with the Planning Officer that there was sufficient information available on which to determine the application.

Members then turned to Councillor Bridgman's proposal to defer the application. This was seconded by Councillor Webster. If this was approved, the application would need to return to Committee at its meeting on 16 January 2019 at the very latest.

At the vote the proposal to defer the application was rejected.

Councillor Richard Crumly supported the points made by the Planning Officer. He agreed that if the item was deferred then the Committee would be faced with the same arguments on the next occasion. Councillor Crumly explained that the Committee's debate had helped him form a clear view that the site should be developed as proposed in this application. He continued by stating the view that a strong recommendation to approve the application had come from Officers and he proposed conditional acceptance of the planning application.

The proposal was seconded by Councillor Webb. Councillor Webb commented that a clear positive of this application was the affordable homes gain that would be achieved.

Councillor Bridgman again expressed his disappointment that ASC were not liaised with at the same time as Housing Officers. He sought assurance that ASC would be engaged with in this way/at the appropriate time for relevant future applications.

Councillor Bridgman then referred to the wording of condition 31. If planning permission was granted and this condition removed then the age restriction would be lifted, but there was nothing to specify that the extra care units would no longer form part of the application. He therefore queried, based on this, if the extra care units would remain but with no age restriction on their occupants. Mr Pearson acknowledged that the description text had been shortened in the report. However, the Deed of Variation would clearly state that the 70 extra care units would be removed and replaced by up to 50 flats.

Councillor Webster remained concerned at the proposal to approve this application and was not supportive. She felt that housing for older people was no less important than the provision of affordable housing and there was a risk in not providing sufficient extra care housing. This site had been approved for extra care housing which would help older

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people to remain living in their own community for a longer period. This type of development was needed.

RESOLVED that subject to the completion of a Deed of Variation to the legal agreement associated with planning permission APP/0340/W/16/3159722 to secure provision of 25% of the housing on site as affordable housing within three months from the resolution date (or any longer period as agreed in writing and authorised by the Development Control Manager) to delegate to the Head of Development and Planning to grant planning permission subject to the conditions listed below.

OR

If a Deed of Variation to the legal agreement associated with appeal permission APP/0340/W/16/3159722 is not completed within the above specified time, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION** for the reason listed below:

“Refusal Reason S106 Planning obligation

The application fails to provide a Deed of Variation to the Section 106 Planning Obligation associated with permission APP/0340/W/16/3159722 to deliver necessary infrastructure and mitigation measures, including:

- (a) Affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.”

Conditions

1) Phasing plan

No development shall take place until a phasing plan, showing how the development is to be divided into phases, has been submitted to the local planning authority and approved in writing. The phasing plan shall also include details of the number of dwellings (including affordable housing units), and the amount of public open space, to be provided within each phase.

Reason: In order to confirm the manner in which development of the site is to be brought forward, in accordance with the National Planning Policy Framework 2018 and Policies CS5, CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012

2) Reserved matters

Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters"), relating to each phase of the proposed development, shall be submitted to the local planning authority and approved in writing before any development within that phase takes place. The development shall be carried out in accordance with the details thus approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3) Reserved matters time limit

Application for approval of the reserved matters, for the first phase of the development, shall be made to the local planning authority not later than 3 years from the 15th March 2017, that being the date of approval of planning permission APP/W0340/W/16/3159722.

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Application for approval of the reserved matters for all subsequent phases shall be made not later than 5 years from the 15th March 2017.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4) Commencement of phases

The development of each phase shall be commenced not later than 2 years from the date of approval of the last of the reserved matters for that phase to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5) Primary vehicular access details

The first reserved matters application shall include details of the primary vehicular access for the site as a whole, which shall be from the existing access point to the west of No 41 The Green. The access shall be laid out and constructed in accordance with these details.

Reason: In order to ensure that, in the event of a phased development, site access to the whole site is determined from the outset, in the interests of highway safety. This condition is recommended in accordance with the National Planning Policy Framework 2018, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

6) Details of scale and layout

The details of scale and layout to be submitted under Condition 2 shall accord with the parameters shown in the following submitted plans:

- Building Heights and layout Parameter Plan 30716 A-02-01 Revision P-00 dated November 2018, and;
- Indicative Site Layout – Substitution of 50 x Flats for 70 x Extra Care Units; Drawing number 30716 A-02-111 P-00 dated November 2018.

Reason: These parameter plans fix the maximum extent and height of the development. Full compliance is necessary to ensure that the development would not have an unacceptable landscape and/or visual impact on the surrounding area, and to ensure that the development would safeguard the living conditions of neighbouring properties. This condition is recommended in accordance with the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

7) Construction Environmental Management Plan

No work on any phase of the development shall take place until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the CEMP shall be adhered to throughout the construction period. The statement shall provide for:

- Temporary construction access arrangements to the site, including any temporary hard-standing and wheel washing facilities;

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- Parking arrangements during construction;
- Loading and unloading arrangements for construction plant and materials;
- Storage arrangements for construction plant and materials, including measures to prevent any such storage within 10m from the banks of the lake;
- A signage strategy for a preferred haul route for construction vehicles;
- A lighting strategy for the construction phase;
- Erection and maintenance of security hoardings including any decorative displays and facilities for public viewing;
- Measures to control the emission of dust and dirt;
- Hours of work for construction operations;
- A scheme of precautionary measures to protect reptiles during site clearance works;
- A scheme of ecological and environmental mitigation during construction.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is recommended in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8) Piling method statement

No piling or any other foundation construction using penetrative methods shall take place other than in accordance with a piling method statement, which shall have been submitted to and approved in writing by the Local Planning Authority. Any such method statement shall include:

- details of the depth and type of excavation or penetration, and the method by which this is to be carried out;
- evidence that there would be no resultant unacceptable risk to groundwater, or to any underground water utility infrastructure;
- measures to prevent damage to any subsurface water infrastructure or underlying ground or controlled waters;
- a programme for the necessary works.

Reason: The piling solution has not been given in the Phase II report. Given the potential for some residual hydrocarbon contamination to exist on site, piling can mobilise these contaminants. Groundwater monitoring is proposed in the report during the piling phase. The EA ask to be consulted on any details submitted in compliance with this condition. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9) Off-site highway works

No more than 100 dwellings in total shall be occupied until a scheme of off-site highways works has been carried out in accordance with details to be submitted to the Local Planning Authority and approved in writing. The scheme shall provide for the following:

- Improvements to the two bus stops on The Green, adjacent to the existing site access, including enclosed bus shelters, high kerbing, relocation of the eastbound

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bus stop, and widening of the footway to the westbound bus stop to 2 metres in width;

-A new pedestrian and cycle route from the south-eastern corner of the site to Station Road, running parallel and adjacent to the A4;

-A new pedestrian crossing facility at Station Road, in close proximity to the end of the aforementioned pedestrian and cycle route.

Reason: In order to secure off site highway works required in order to mitigate the impacts of development on the local highway and public transport network and secure improvements necessary to facilitate sustainable transport associated with the development in accordance with the National Planning Policy Framework 2018, Policy CS13 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy TRANS 1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

10) Implementation of 'Framework Travel Plan'

The 'Framework Travel Plan' dated January 2016, submitted with the application, shall be implemented in full. No dwelling shall be occupied until the date 6 months after a Travel Plan implementation timetable has been submitted to the Local Planning Authority and approved in writing. The implementation timetable shall specify the programme for bringing into effect each of the measures within the Travel Plan, including the appointment of a Travel Plan Co-ordinator, and the arrangements for future monitoring and review. The Travel Plan and implementation timetable shall thereafter be adhered to as agreed.

Reason: To comply with the National Planning Policy Framework 2018 and Policy CS13 of the West Berkshire Core Strategy (2006-2026), which require all developments which generate significant amounts of movement to provide a travel plan. This condition is recommended to ensure the development reduces reliance on private motor vehicles, in accordance with the aforementioned policies and Policy LTP SC1 of the Local Transport Plan for West Berkshire (2011-2026).

11) Estate roads, footways and turning spaces

The details of access and layout to be submitted under Condition 2 shall include provision for all necessary estate roads, footways, turning spaces, and vehicle parking. No dwelling shall be occupied until these facilities serving that dwelling have been laid out, surfaced, and brought into use, in accordance with the approved details. The estate roads, footways, turning spaces, and vehicle parking areas shall thereafter be kept available for these purposes at all times.

Reason: In the interests of highway safety, to ensure the development is provided with adequate parking facilities and turning and in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is recommended in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Policy P1 of the emerging Housing Site Allocations DPD.

12) Cycle parking/storage

The details of access and layout to be submitted under Condition 2 shall include provision for the parking and storage of cycles. No dwelling shall be occupied until the cycle parking and storage facilities for that dwelling have been provided in accordance with the approved details. The cycle parking and storage facilities shall thereafter be kept available for this purposes at all times.

Reason: To encourage the use of cycles in order to reduce reliance on private motor vehicles. This condition is recommended in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

13) Refuse storage

The details of access and layout to be submitted under Condition 2 shall include provision for the storage of household refuse. No dwelling shall be occupied until the refuse storage facilities for that dwelling have been provided in accordance with the approved details. The refuse storage facilities shall thereafter be kept available for this purposes at all times.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is recommended in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

14) Contamination risk assessment

No work on any phase of the development shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
- ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted

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with the application. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15) Contamination remediation

No work on any phase of the development shall take place where (following the risk assessment) land affected by contamination is found within that phase which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before the relevant phase of development is occupied.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16) Unforeseen contamination reporting and risk assessment

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before any work on the relevant phase of the development is resumed.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17) Monitoring of remediation

No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for reporting on each monitoring stage. The approved scheme shall be

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implemented, and the reports produced as a result, shall be submitted to the local planning authority in accordance with the agreed timetable.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18) Landscape and Ecological Management Plan

No development shall take place until the following have all taken place:

- (i) a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority;
- (ii) any pre-development requirements within the LEMP have been carried out;
- (iii) and a contract has been let for the management, monitoring, reporting and supervision of the LEMP.

Thereafter, the LEMP shall be fully implemented in accordance with the approved details. The LEMP shall cover all of the land within both the red and blue areas shown on Plan No.30716 A-02-000 (Revision P-00), and as a minimum, shall include the following:

- detailed creation and management prescriptions for the meadows, lake edges, and woodland areas, for a period of 25 years;
- provision for implementing the measures and actions recommended in the following reports, submitted with the application: Section 6 of the Survey of Invertebrate Interest by David Clements Ecology Ltd and dated September 2015; Sections 4.12 & 4.14 of the Ecological Appraisal by Richard Tofts Ecology Ltd and dated September 2015; and Section 4.9 of the Bat and Reptile Surveys by Richard Tofts Ecology Ltd and dated October 2015;
- identify the measures to be taken in the event that any reptiles are encountered during site clearance or construction;
- detailed proposals for the eradication of Japanese Knotweed, including a timetable for implementation of such measures;
- procedures for monitoring, reporting and review, at intervals to be agreed.

Reason: The invertebrate survey report by Davis Clements Ecology Ltd makes clear in paragraph 5.1 that “virtually all the terrestrial habitats which are of value to invertebrates, including all of the present neutral grassland and short-turf vegetation would be lost”. In paragraph 5.5.3 it says that “The proposed layout will inevitably result in the loss of those habitats which are considered to be of greatest value to invertebrates”. Mitigation is therefore required, and the land within the blue line can perform this function. This condition is recommended to ensure the protection of species with statutory protection, and in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

19) Tree felling bat surveys requirement

No tree on the site shall be felled until a further bat survey of that specific tree has been carried out, and a report submitted to and approved by the Local Planning Authority in writing. Thereafter, any such felling shall be carried out only in accordance with those approved details, including any necessary mitigation measures.

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Reason: This condition is recommended to ensure the protection of species with statutory protection, and in accordance with the National Planning Policy Framework 2018 and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

20) Biodiversity-related lighting survey

No dwelling shall be occupied until a biodiversity-related lighting strategy for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy for each phase shall identify those areas that are particularly sensitive for bats, and any measures necessary to minimise and mitigate the impact of lighting on them. All external lighting shall be installed in accordance with the details thus approved, and shall thereafter be maintained in accordance with those details. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no other external lighting (except that expressly authorised by this permission) shall be installed, without the written approval of the Local Planning Authority.

Reason: This condition is recommended to ensure the protection of species with statutory protection, and in accordance with the National Planning Policy Framework 2018 and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

21) Tree protection

No work on any phase of the development shall take place until tree protection fencing relating to that phase has been erected in accordance with the details shown on drawing no. 8301/02 and in the arboricultural report by Ian Keen reference AP/8301/AP. Notice of commencement shall be given to the Local Planning Authority at least 2 working days after the erection of the protective fencing, and before any development takes place. The fencing shall be retained for the full duration of the building and engineering works within that phase. Within the areas thus protected, there shall be no excavation, alteration to ground levels, storage of materials, or other construction-related activities of any kind, except with the prior written approval of the local planning authority.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. The tree protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. This condition is recommended in accordance with the National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

22) Access, roadways, hard surfacing, drainage and services details (tree protection)

No work on any phase of the development shall take place until details of the proposed access, roadways, hard surfacing, drainage and services for that phase have been submitted and approved in writing by the Local Planning Authority. Such details shall show how harm to the tree roots within the protected zones is to be avoided. The development shall be carried out in accordance with these approved details.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. This condition is recommended in accordance with the

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National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

23) Arboricultural Method Statement

No work on any phase of the development shall take place until an arboricultural method statement for that phase has been submitted to the Local Planning Authority and approved in writing. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. The development shall be carried out in accordance with these approved details.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. This condition is recommended in accordance with the National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

24) Arboricultural Watching Brief

No work on any phase of the development shall take place until an arboricultural watching brief for that phase has been secured, in accordance with a written scheme of site monitoring, which has first been submitted to the Local Planning Authority and approved in writing. Thereafter, site monitoring shall be carried out in accordance with these approved details.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. The watching brief must be secured before development takes place to ensure that the trees are protected throughout the construction phase. This condition is recommended in accordance with the National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

25) Surface water drainage scheme

No work on any phase of the development shall take place until a surface water drainage scheme has been submitted to the Local Planning Authority and approved in writing. The scheme shall incorporate 'sustainable urban drainage' (SUDS) methods and attenuation measures, to restrict run-off from the site to no more than the equivalent greenfield rate, based on a 1 in 100 year storm plus 30% for possible climate change. The scheme shall also include measures to prevent any contamination from entering the soil or groundwater. It shall also provide a SUDS management and maintenance plan for the lifetime of the development, and a timetable for implementation. The surface water drainage scheme shall thereafter be carried out as approved, and no dwelling shall be occupied until the relevant surface water infrastructure serving that dwelling has been installed and brought into operation. Thereafter, the surface water drainage system shall be retained and maintained in proper working order.

Reason: To ensure that surface water will be managed in a sustainable manner: to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is recommended in accordance with the National Planning Policy Framework, Policy CS16 of the West

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Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

26) Programme of archaeological work

No work on any phase of the development shall be commenced until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation that has been approved by the Local Planning Authority in writing.

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

27) Measures to limit externally generated noise

The details to be submitted under Condition 2 shall include any measures necessary to limit externally generated noise to the following maximum levels:

-Rear gardens: LAeqT 55 dB

-Living rooms: LAeqT 35 dB

-Bedrooms: LAeqT 30 dB

LAmx 45 dB

No dwelling shall be occupied until details showing how these levels will be achieved have been submitted to the Local Planning Authority and approved in writing.

Reason: In order to protect the amenity of future occupants of the development from externally generated noise in the surrounding area. The noise assessment highlights high existing noise levels from traffic associated with the A4 and other road infrastructure, and the need for noise mitigation measures to protect residential amenity (internal and external areas) and communal open spaces. Nearby industry objected to the previous appeal (reference APP/W0340/W/16/3159722) unless noise mitigation is provided, and these objections are considered equally applicable to the permission hereby granted. It is suggested that relevant standards could be achieved by considering the orientation/location of buildings, as well as the installation of acoustic glazing and ventilation, and noise barriers (fences) where appropriate. Standards to be met and mitigation measures will need to be agreed with the LPA prior to commencement of the development. A 'good' standard for bedrooms and living areas (BS8233) is to be encouraged. This condition is recommended in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS6 of the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).

28) Plant/machinery/equipment associated with new buildings noise restriction

Noise from the use of plant, machinery or equipment, attached to or forming part of any building, shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality), when measured according to British Standard BS4142, at a point one metre external to the nearest noise sensitive premises.

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Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. It is necessary to make sure that residents do not suffer excessive noise from, for example, ventilation systems associated with the apartments. This condition is recommended in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS6 of the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).

29) Foul water drainage scheme

No work on any phase of the development shall commence until a detailed scheme of foul water drainage has been submitted to the Local Planning Authority and approved in writing. No dwelling shall be occupied until the foul drainage infrastructure to serve that dwelling has been installed and brought into operation in accordance with the approved details.

Reason: The development may lead to sewage flooding without a scheme of works to ensure that sufficient capacity is made available to cope with the new development. This condition is recommended at the request of the statutory undertaker, Thames Water, in order to avoid adverse environmental impact upon the community, and in accordance with the NPPF, and Policies CS5 and CS16 of the West Berkshire Core Strategy (2006-2026).

30) Provision of fire hydrants

No dwelling on any phase of the development shall be occupied until fire hydrants to serve that phase have been installed in accordance with details to be submitted to the Local Planning Authority and approved in writing.

Reason: Royal Berkshire Fire and Rescue Service advise that at present there are no available public mains in this area to provide a suitable water supply in order to effectively fight a fire. RBFRS would therefore request that part of any planning consent terms include the requirement for the applicant to provide suitable private fire hydrant(s), or other suitable emergency water supplies to meet RBFRS requirements. This condition is recommended in the interests of public safety and in accordance with the National Planning Policy Framework.

39. Appeal Decisions relating to Eastern Area Planning

Members noted the outcome of appeal decisions relating to the Eastern Area.

40. Site Visits

A date of 12 December 2018 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 19 December 2018.

(The meeting commenced at 6.30pm and closed at 7.42pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location, Applicant
(1)	17/00186/COMIND Basildon	4 th May 2017 ¹	Conversion and refurbishment of existing listed residential building into 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses. The Grotto, Lower Basildon, Reading SUSD Goring Ltd

¹ Extension of time agreed with applicant until 4th January 2019

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/00186/COMIND>

Recommendation Summary:

To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions, (subject to any changes to be agreed with the applicant), and the completion of a Section 106 Legal Agreement within 3 months of the date of this committee, or a longer period of time agreed in consultation with the Chairman/Vice Chairman and Ward Member, authorised by the Head of Development and Planning .

Or, if the S106 legal agreement is not completed, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION**.

Ward Member:

Councillor Alan Law

Reason for Committee Determination:

Referred by Development Control Manager due to the principle issues of the application

Committee Site Visit:

12th December 2018

Contact Officer Details

Name: Cheryl Willett
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: cheryl.willett@westberks.gov.uk

1. INTRODUCTION

- 1.1 This application seeks full permission for the conversion and refurbishment of the Grotto, a Grade II listed residential building into a 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool, boathouse, refurbished tennis court, and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses.

2. PLANNING HISTORY

02/01055/LBC: Replace existing septic tank with new sewage treatment plant. Application was determined not to be required.

10/00490/HOUSE: Demolition of existing garage block and store rooms. Erection of new garage block over two storeys to provide covered parking for thirteen cars associated with the Grotto House. Approved 07.12.2011

10/00493/HOUSE: New boat house with changing rooms at first level. Application withdrawn.

10/00498/FUL: Change of use from restricted B1(office) to C3(dwelling) – retrospective. Approved 18.06.2010.

10/00503/HOUSE: Partial demolition and restoration of existing dwelling house. New build extensions to provide indoor swimming pool, entrance hall, bedrooms, reception, conservatory, entrance porch and extension to study and bedroom. Internal alterations to remove office interior to create new living space associated with a new dwelling, new external terraces and tennis court. Approved 23.12.2011.

10/00504/LBC2: Partial demolition and restoration of existing dwelling house. New build extensions to provide indoor swimming pool, entrance hall, bedrooms, reception, conservatory, entrance porch and extension to study and bedroom. Internal alterations to remove office interior to create new living space associated with a new dwelling, new external terraces and tennis court. Approved 23.12.2011.

11/01557/HOUSE: New boathouse with changing rooms and wc/shower. Approved 09.01.2012.

12/01743/FUL: Demolition of existing single storey three bedroom dwelling and erection of new two storey, three bedroom dwelling. Approved 07.09.2012.

14/03080/LBC2: Partial demolition and restoration of existing dwelling house. New build extensions to provide indoor swimming pool, entrance hall, bedrooms, reception, conservatory, entrance porch and extension to study and bedroom. Internal alterations to create new living space associated with a dwelling, new external terraces. Approved 02.02.2015.

14/03081/FULMAJ: Partial demolition and restoration of existing dwelling house. New build extensions to provide indoor swimming pool, entrance hall, bedrooms, reception, conservatory, entrance porch and extension to study and bedroom. Internal alterations to create new living space associated with a dwelling, new external terraces. Approved 09.03.2015.

16/03466/SCREEN: EIA Screening Request. EIA not required. 11.01.2017.

17/00187/LBC2: Conversion and refurbishment of existing listed residential building into 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses. Pending consideration.

3. PUBLICITY

- 3.1 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015. This has involved the display of site notices, and a press notice being displayed in the Newbury Weekly News.
- 3.2 Following the receipt of amended plans a further site notice and press notice was displayed to advise that the proposal represented a departure from the development plan. The two new dwellings in particular do not comply with the policies of the Core Strategy (although the NPPF makes provisions for this type of development). The site notice expired on 17th December 2018 and the press notice expired on 13th December 2018.
- 3.3 It is understood that the applicants undertook a public consultation exercise prior to the submission of the planning application. This is not mandatory, but is encouraged.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Basildon Parish Council: no objections. The Council noted the following:

1. WBC should ensure that trees on the site are protected as far as possible to screen the site with appropriate TPO's being raised.
2. All lighting should be both considerate (given other properties in the area) and ensure that dark skies are adhered to as far as possible.
3. Access to and from the site should be carefully considered given the extra traffic likely to be generated.
4. The proposal should ensure that the historical nature of the site is preserved (and enhanced) as far as possible.

Streatley Parish Council: In the broader context of development in an AONB, Council would voice concerns over the visual impact of the additional buildings from the river, the towpath and the railway line, all viewpoints from which travellers and visitors can enjoy this rural vista. The development would appear to be in conflict with WBC's policy of no new building outside of existing settlement boundaries.

Council objects to the two proposed residential houses on the above grounds.

Goring Parish Council: They noted the existing building is Grade II Listed and that it lies within North Wessex Downs AONB and borders the Chilterns AONB. For fifty years it was used for offices and education. Cllrs understand the building has been empty since it was vacated by ILAM several years ago and now appears to be in a state of disrepair and is at risk of further dereliction. It is visible from the Gatehampton part of Goring-on-Thames, which is designated as a Conservation Area; indeed, it is highly visible from the path and fields along the river bank on the Goring side as well as the from the river itself.

Cllrs agreed that they were pleased to see that a new use was being proposed for the building, however they had some concerns over the viability of the proposal to turn the premises into a boutique hotel and the consequences if these concerns were subsequently proved. Cllrs noted that the Springs Hotel not far away at North Stoke had recently closed and is due to be converted into flats. There are a number of other hotels nearby, e.g. The Swan at Streatley (also having a riverside location) and the Miller of Mansfield at Goring. However, both of these thrive through diversification, with busy high quality restaurants that are open to the public, i.e.

their facilities are also for use by non-residents. Cllrs thought the desirability and wider implications of this possibility should also be under consideration.

Cllrs had serious reservations about the appearance of the extensions to the main building from the Goring side of the river, as well as the other proposed new buildings. They thought the design appeared to differ considerably in each section from the plans and as a whole it appeared uncoordinated and incoherent. Specifically, it comprises of the New Coach House (unpainted brick), a new glazed link; a proposed additional bay, the restored grotto (white painted brickwork) with additional embellishments, e.g. (high level) fully glazed conservatory and the proposed new spa building (grey timber cladding). Also, facing the river there is a proposed new boat house with materials currently unspecified. Cllrs could not readily envisage the appearance of the development as a whole and how the design would look overall. For a project of this sensitivity and size and given the scale of proposed new buildings, they thought it reasonable to expect that further information be supplied, e.g. coloured plans and elevations, 3 dimensional drawings (preferably photomontages) or even a model to allow for a proper assessment of the visual impact of the scheme.

South Oxfordshire District Council: No further comments to add (originally commented that the proposals are not of a scale to require input from SODC).

North Wessex Downs AONB Board: No response.

Chilterns AONB Board: No response.

Planning Policy: Sets out the key planning policies (as outlined in the committee report).

Historic England: Initial concerns with the scheme, as the houses, lodges and extensions would be harmful to the setting of the listed building, and had not been sufficiently justified. The enabling development case raised questions. Following the testing of the enabling development case with the Council's consultant and receipt of amended plans the amount of harm is reduced there would still be a degree of harm to the significance of the listed building. It is recognised that the property is in poor condition and extensive repairs, along with a new use, are needed. Engagement with specialist advisors and seeking of amended plans has concluded that the scale of development is necessary, and the form of the two houses minimises their impact on the approach to the Grotto. The harm to the significance of the listed building has been clearly and convincingly justified, and is necessary if the building is to be conserved.

Conservation: Agree with comments made by Historic England. Retention and enhancement of landscaping will be of key importance.

Trees: No objections, subject to conditions. The tree survey and the arboricultural impact assessment is a fair reflection of the trees at the site and the condition of the trees. The trees are of good quality, but as they have low visual amenity it would be difficult to request their retention, especially given the possibility of mitigation planting. Conditions can require further information such as tree protection and construction precautions.

Highways: Initial concerns with the setting out of the car parking spaces, and visibility splays to the A329. Following amended plans and the addendum note to the transport assessment these concerns have been overcome. Conditions and S278 legal agreement to secure the works.

Transport policy: Site not readily accessible, and options for sustainable transport to and from the site are limited. Pro-active measures should be adopted, and these can be secured through a travel plan.

Archaeology: There is potential for archaeological remains. No archaeological fieldwork has been undertaken. Ground disturbance that will occur during the construction of the lodge units and family homes and related groundworks deserves archaeological supervision, to ensure that any below ground remains are recorded. A condition is recommended.

CPRE: General support the restoration of the listed building, though concerns, as follows:

1) This involve building two large houses in a large part of the grounds for sale, and seven dwellings on the hillside amongst the trees above the house, both of which would never normally be allowed under WBC or AONB national policy. They would have significant landscape impact on views from South Oxon side of the river. Both LAs have over the years kept the famous Goring Gap stretch of the Thames valley free of new development outside of settlements and this should continue.

2) The costings raise concerns as to their validity. We ask if the reported sale efforts are valid: the costings tables give £5M acquisition cost but local information (which we are unable to verify) suggests the property was advertised at £8M whereas the original purchase was for £2M.

3) Overall if the plan is for a 'hotel-like' extension in the countryside for a London Club, the development and permissions should be staged - initially for the restoration and use and only if viable allow the 25 bed major extension and other development to help fund the work.

Berkshire Gardens Trust: Objection to the two houses, as they would change this sensitive landscape. The site was designed with a long drive to The Grotto and the proposed reinstatement of the historic circulation route is welcome. Car parking and the new homes would severely disrupt this experience. Should enabling development be supported there could be support given in principle for the lodges. It is unlikely that they would visually interrupt the views of coming across the house. No objections to the boathouse. No objections to the use of the Studio for hotel facilities.

West Berkshire Economic Development: The proposed development will contribute the following to the local economy during the construction period and in the operational phase, through additional employment, income through visitor expenditure, and income through business rates. The proposal is in accordance with the West Berkshire Economic Development Strategy 2013-2018 (in the process of being updated) by:

1. Work with partners to ensure that local skills meet the needs of today's business and work environments.
2. Promote West Berkshire as a desirable location for combining business, leisure, learning and life.
3. Become more business friendly and encourage new investment and business retention across all sectors

These are found in the West Berkshire Economic Development Strategy 2013-2018.

Environmental Health: Land contamination, light, noise, and demolition construction activities have been highlighted as the environmental health issues relevant to planning. It has since been confirmed that an old pit, previously identified by officers, is not present on site. Therefore, the response has been amended to recommend an 'unforeseen contamination' condition. Any floodlighting on site should be approved by the LPA to ensure it is designed to minimise any impacts on neighbours. The Noise Assessment details that traffic noise generated by the development is unlikely to impact on neighbours; that suggested design criteria for buildings and external amenity spaces to make sure internal and external standards for noise are not compromised; and that suggested design criteria for new plant services to make sure noise from the plant does not impact on the amenity of future/neighbouring residents. Demolition and contraction activities should be controlled to minimise impacts on neighbours. Conditions suggested in respect of the above points.

Ecology: The loss of the improved meadow grassland will need to be mitigated. Conditions should be applied in this respect.

Natural England: No objections. Protected landscapes, the national trail, protected species, local sites, and biodiversity enhancements should be considered. No further comments to make on amended plans.

Environment Agency: No response.

West Berkshire Lead Local Flood Authority: No response.

Canal and River Trust: No requirement for consultation.

Waste management: With regard to the residential properties the refuse and recycling will need to be presented at a collection point on the public highway (the spur road) to be determined upon occupation of the domestic properties by permanent householders. Waste from the hotel, lodges, club and spa is commercial for which separate commercial waste collections will be required.

Thames Water: No objections. It is the developer's responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. Recommend the installation of a properly maintained fat trap on all catering establishments, and for fats, oils and grease to be collected by a contractor. Petrol/oil interceptors shall be fitted in all car parking/washing/repair facilities. Foul water for this development is not draining into Thames Water assets, as a septic tank is present. Studies will be required to show that the proposal can meet the water demands generated by the development.

Housing: No comments to make.

4.2 Public Representations

Total 6. 1 Support. 4 Objections. 1 representation (support and object to varying elements)

Support (from local historian):

- Details the history of the Grotto;
- Considers the history to be more important than the architecture in this case;
- The Oval room may be the original shell room, and the shell work may have been plastered over rather than removed, and it may be possible to reveal such works;
- An aim of the development is to achieve a publicly accessible building providing an amenity for the local community, whilst preserving a heritage asset;
- Capacity for another river-side hotel, as little river-side hotel in this section of the Thames Valley;
- Provide additional amenity to residents, as only one public house exists in Upper Basildon;
- Two houses will generate value to underpin the development;
- The hotel extension will make a statement;
- No adverse impacts on traffic with the improvements made;
- Ultimately secure the long term future of the Grotto.

Representation:

- Support the conversion, which would enhance the riverside;

- Riverside views need to be maintained, and development should not be detrimental to that;
- Planners should ensure that development is well screened. The extensions are out of keeping;
- Concern about local wildlife. Area devoid from human activity allowing animals to roam the site. Area is quite tranquil;
- Agree with other comments that noise from weddings and events may change this tranquillity;
- Fireworks should be forbidden, and music kept at a discrete level;
- The noise report should have taken account of Network Rail's night-time working;
- Dark skies should be preserved.

Objections:

- Some stated no objections to the conversion, though objected to the houses and lodges;
- Area already well served by The Swan in Streatley;
- The hotel needs to offer local residents more than The Swan to be able to provide some benefit;
- Hotel in North Stoke has closed and remain closed for years;
- May host weddings in order to survive, which would lead to noise in summer months. Restriction needed on amplified music after 11pm.
- The building has been stripped and left empty, and has been subject to vandalism. The owner has done nothing to prevent this.
- The property has not been seriously marketed (e.g. no 'for sale' board).
- The asking price is not realistic, and too high. Had it been it may have sold as a dwelling.
- Conversion to flats would have been a better option.
- Believe there are other options available for the development.
- The access onto the A329 is dangerous, and residents experience near misses.
- Massive overdevelopment, with the view from the Thames spoilt.
- Local jobs are not guaranteed.
- Additional traffic through Streatley and Goring, on top of traffic for The Swan.
- Adversely impact upon current tranquillity.
- Do not agree with Knight Frank advice.
- Deliberate attempt to vandalise and make ugly this one handsome property.

5. EIA

- 5.1 An EIA screening opinion was requested from the Council, under application reference 16/03466/SCREEN, for the originally submitted scheme. The Council noted that the proposed development falls within Schedule 2 of the EIA Regulations as it relates to tourism and leisure, and on an area exceeding 0.5 hectares, and is located in a 'sensitive' area (AONB). Having regard to the characteristics of the development, the location, and the characteristics of the potential impact in regard to Schedule 3 of the EIA Regulations, and to the Planning Practice Guidance, it was concluded that the localised nature of the impacts means that they do not amount to 'significant effects' within the meaning of the regulations. The proposal is therefore not EIA development, and therefore EIA is not required. It is not considered that this conclusion has changed, having regard to the information submitted.

6. Relevant Planning Policies

- 6.1 Planning law requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for West Berkshire comprises:
- West Berkshire Core Strategy (2006-2026);
 - Housing Site Allocations Development Plan Document (2006-2026);
 - West Berkshire District Local Plan 1991-2006 (Saved Policies 2007);
 - Replacement Minerals Local Plan for Berkshire (2001);
 - Waste Local Plan for Berkshire (1998);
 - Stratfield Mortimer NDP (2017).
- 6.2 The National Planning Policy Framework (NPPF) was published in July 2018. The Framework sets out Government planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions.
- 6.3 The Planning Practice Guidance (PPG) was published on 6 March 2014. The PPG is a material consideration for all planning decisions. It provides guidance on procedural matters (including planning conditions and obligations), and on numerous material planning considerations.
- 6.4 According to paragraph 48 of the NPPF, due weight should be given to relevant policies in existing plans which pre-date the NPPF according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 6.5 The West Berkshire Core Strategy was adopted on 16 July 2012. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built.
- 6.6 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
 - Area Delivery Plan Policy 5: The Area of Outstanding Natural Beauty
 - CS1: Delivering New Homes and Retaining the Housing Stock
 - CS4: Housing Type and Mix
 - CS5: Infrastructure Requirements and Delivery
 - CS6: Provision of Affordable Housing
 - CS9: Location and Type of Business Development
 - CS10: Rural Economy
 - CS11: Hierarchy of Centres
 - CS13: Transport
 - CS14: Design Principles
 - CS15: Sustainable Construction and Energy Efficiency
 - CS16: Flooding
 - CS17: Biodiversity and Geodiversity
 - CS18: Green Infrastructure
 - CS19: Historic Environment and Landscape Character

6.7 The Housing Site Allocations Development Plan Document (HSA DPD) was adopted as part of the statutory development plan in May 2017. The following policies from the HSA DPD are relevant to this development:

- Policy GS1: General Site Policy
- Policy C1: Location of New Housing in the Countryside
- Policy C3: Design of Housing in the Countryside
- Policy C4: Conversion of Existing Redundant Buildings in the Countryside to Residential Use
- Policy P1: Parking Standards and New Residential Development
- P1: Residential Parking for New Development.

6.8 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the development plan following the publication of the Core Strategy and HSA DPD. The following saved policies from the Local Plan are relevant to this development:

- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- OVS.7: Hazardous Substances
- ENV.19: The Re use and Adaptation of Rural Buildings
- TRANS.1: Meeting the Transport Needs of New Development
- RL.5A: The River Thames

6.9 The following other material considerations that are relevant to this application include:

- Historic England Guidance – Enabling Development and the Conservation of Significant Places (2008)
- Basildon Village Design Statement
- North Wessex Downs AONB Management Plan 2014-2019
- West Berkshire CIL Charging Schedule Adopted March 2014 – Effective from 1st April 2015
- West Berkshire CIL Regulation 123 List
- Manual for Streets (DfT; March 2007)
- Planning Obligations SPD
- Quality Design SPD
- Conservation of Habitat and Species Regulations 2010 (as amended)
- Protection of Badgers Act 1992
- The Wildlife and Countryside Act 1981 (as amended)
- Natural Environment and Rural Communities Act 2006 (NERC)
- Planning for Growth (Ministerial Statement 2011)
- The Community Infrastructure Levy Regulations 2010 (as amended)
- The Local Transport Plan (LTP) 2011 – 2026

7. Description of proposals

7.1 In summary, the proposed development as set out by the applicant consists of the following components:

- 1,440sqm refurbishment and restoration of existing listed building to form boutique hotel and members club and containing 18 hotel bedrooms and suites;
- 1,400sqm extension to the west of the existing building containing 23 hotel bedrooms (Reduction from 28 rooms and 1,600sqm);

- The spa - 340sqm leisure facility;
- 6 No detached lodges containing 12 of the 53 hotel rooms (originally 7 lodges containing 14 of the 60 hotel bedrooms);
- Two detached family homes 415sqm, 4 bedroom (originally 465sqm) and double garages;
- Refurbished tennis court;
- Boathouse with mooring area and changing facility serving tennis court;
- Main car parking area 38 spaces, plus 88 spaces;
- Proposed gated entrance.
- Demolition of parts of the Grotto, outbuilding and Studio building.

7.2 The scheme has been amended since it was originally submitted in January 2017. The number of lodges has been reduced from 7 to 6 (reduction of 2 bedrooms). The two dwellings have been relocated further down the hill, and reduced in size and massing. The coach house extension has been reduced in size, removing the top storey and removal of 5 bedrooms.

7.3 The proposals for the two new houses and the six lodges represents enabling development, to seek to repair and restore the listed building.

8. Description of site

8.1 The Grotto is located between the settlements of Lower Basildon and Streatley, adjacent to the River Thames, and access off a spur road from the A329. The Grotto is a Grade II listed building. The site is currently vacant, with both The Grotto building and the Studio being formerly used as offices. Permission was obtained to convert the Studio into a residential dwelling. The S106 attached to the original permission for the conversion of the Grotto house into offices contained a clause that in the event of the offices vacating the site the building would revert back to residential use (hence the submission of the householder planning applications in 2010 rather than full applications to change the use). There are therefore two residential properties on site. An outbuilding is located between the Studio and the Grotto. The site lies within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. Planning permission to refurbish the Grotto building, build the garage and the boathouse under a residential use expired earlier in 2018.

8.2 The Grotto is not readily visible from the A329, due to the building's distance from the entrance gates and as the land drops down to the river. The views of the site are from across the River Thames, and public footpaths across the valley.

9. Consideration

9.1 Having regard to the relevant planning policies, the nature of the proposal and the site constraints, it appears that the main issues which would need to be considered are:

- Enabling Development;
- Principle of Development:
 - Change of use to hotel, extension, spa, lodges and boathouse
 - Residential development of two dwellings
- Economic Development
- Impact on heritage assets (Listed building and archaeology)

- Impact on the character and appearance of the surrounding countryside and AONBs
- Trees
- Transport
- Ecology
- Impact on neighbouring amenity
- Other issues
- CIL Liability
- Planning Balance
- Terms of S106

10. Overview of decision making context

- 10.1 Planning law requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 10.2 As detailed in Sections 12 and 13 below, whilst some elements of the proposed development comply with the development, there is also a significant degree of conflict to the extent that, taken as a whole, the proposed development is considered to conflict with the development plan.

11. Enabling development

- 11.1 The application has been submitted as an ‘enabling development’ scheme. Enabling development is development that secures the future of a significant place (Historic England define significant place as any part of the heritage environment that has heritage value, including statutory listed historic buildings) but contrary to established planning policy but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused sufficient to justify it and which could not otherwise be achieved. While normally a last resort, it is an established planning tool by which the long-term future of a place of heritage significance is secured (i.e. listed buildings) provided it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to land as a result of the granting of planning permission for its development.
- 11.2 The problem which enabling development typically seeks to address occurs when the maintenance, major repair or conversion to the optimum viable use of a building is greater than its resulting value to its owner or in the property market.
- 11.3 This means that a subsidy to cover the difference -‘the conservation deficit’- is necessary to secure its future.
- 11.4 Enabling development is often associated with proposals for residential development to support the repair of a country house, as in this case. The main policy framework covering enabling development is contained in the NPPF (para. 79), which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. Paragraph 140 goes on to add that ‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies’.

- 11.5 Historic England's 'Enabling Development and the Conservation of Significant Places' (2008) provides the basis for considering enabling development proposals. It contains a model for how particular applications for enabling development should be assessed and sets out stringent criteria to be met. These criteria are as follows:
- (a) The enabling development will not materially harm the heritage values of the place or its setting;
 - (b) The proposal avoids detrimental fragmentation of management of the place;
 - (c) The enabling development will secure the long term future of the place, and where applicable, its continued use for a sympathetic purpose;
 - (d) The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
 - (e) Sufficient financial assistance is not available from any other source;
 - (f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
 - (g) The public benefit of the securing the future of the significant place outweighs the disbenefits of breaching other public policies.
- 11.6 If it is decided that a scheme of enabling development meets all these criteria, Historic England believes that planning permission should only be granted if:
- 1) The impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission;
 - 2) The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in DOE Circular 05/05, Planning obligations [now replaced by the Planning Practice Guidance];
 - 3) The place concerned is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
 - 4) The planning authority closely monitors implementation, if necessary acting promptly to ensure obligations are fulfilled.
- 11.7 However, before any enabling development is considered the applicant needs to demonstrate that real efforts have been made, without success, to continue the present use or find compatible alternative uses for the place. Proper extensive marketing should be carried out by suitable estate agents and every reasonable effort made to find a purchaser. An active marketing campaign should be carried out for at least 6 months.
- 11.8 In order to assess the applicants marketing efforts and the financial case for enabling development, the Council employed the services of Knight Frank. The full report, and follow up advice has been appended to the committee report.

Marketing

- 11.9 Knight Frank's first task was to establish whether the site had been properly marketed. The Grotto has been offered for sale using various methods since 2012, using the following methods:
- January 2012 – Engaged with Edward Hall, regional director of Strutt and Parker. They were acting on behalf of Dr Hull for approximately 6 months;
 - Late 2012-2013 – Sandy Mitchell of Redbook Agency (which specialises in this property type) introduced Dr Hull to several London and Berkshire based

acquisition agents. No success was achieved, despite meetings and grant of full access for visits;

- 2014 – Advised by Justin Neal of Gordon Dadds that the property should be marketed privately with a micro website and an advertisement campaign involving Country Life and Financial Times Weekend;
- In light of the advice the following activities were undertaken:
- Country Life (28th May 2014 and 2nd June 2014, plus one with date unknown);
- Financial Times Weekend (8th and 28th June 2014, and 5th July 2014);
- Country Life 'Best of Britain' (1st and 8th July 2015);
- Website created which states the potential as a private residence or commercial development (<http://grottoonhethames.co.uk>).

11.10 The marketing campaign resulted in some interest with circa 25 viewings. The information received from the applicant demonstrates that the marketing campaign did generate a reasonable level of interest, although Knight Frank originally expressed concern regarding the method of marketing. Namely that as well as advertisements in Country Life and the Financial Times it would have also been expected that advertisements were placed in journals such as Estates Gazette and Property Week. The majority of agents engaged were acquisition agents (with the exception of Strutt and Parker), which is not a usual approach when marketing a development opportunity or project such as this. The marketing information states that there was some interest for a commercial/leisure use in 2014. Knight Frank consider that a commercial agent should then have become involved and/or the property should have been advertised via commercial journals.

11.11 Sotheby's appear to have valued the property at £7 million. Two offers were received at £4.1million for residential use and £6 million for leisure use. However, these were not progressed due to changes in bidder circumstances.

11.12 The last marketing efforts finished in July 2014, where the applicant has then progressed the current project through the planning process, including seeking pre-application advice. Knight Frank do not consider the marketing efforts to be conventional. However, they were undertaken over a significant period of time using the agent community. Although they did not closely follow section 4.7 of the Historic England Enabling Development and the Conservation of Significant Places guidance, they were fairly extensive. When further considering that the building has clearly deteriorated a great deal in the past 18 months, Knight Frank advised that a requirement to undertake further market testing that follows section 4.7 to the letter would be counter-productive. Knight Frank's Country House department has expressed a view that the property should be 'worth' between £2-3 million in the current market, and a buyer would need to spend approximately £3 million to conserve and repair the building, making it weather proof, and fitting out the building. However, once the costs of fitting out the property and delivering the (now expired) permission are factored in this erodes the £2-3 million value down to approximately £0-1 million.

11.13 Knight Frank is unsure that a residential use would be viable. The Country House department could not guarantee success without marketing, and due to the current condition of the property, this would take time. The property may therefore fall into further disrepair during this period. The Country House department comment that the property provides relatively small grounds for a house of this size, and that the new railway overhead lines are unsightly, affecting the view, and affecting the value of houses which they are marketing nearby.

- 11.14 Therefore, in consultation with both the Council and Historic England, in light of these circumstances, it was agreed that sufficient marketing efforts have been undertaken.

Testing the costs

- 11.15 Knight Frank has assessed the applicant's cost estimate of the works needed to convert and extend the Grotto, build the lodges, convert the Studio to the spa and erect the two houses. Knight Frank's cost consultants consider the applicant's rates to be an accurate representation of costs. Some elements were costed higher than expected, but this may reflect the high quality refurbishment sought.
- 11.16 The consultants consider that the applicant's model for running the hotel would mean that the business would remain viable in the long term. The London hotels and clubs (the Devonshire and Curtain) are fitted out to an exceptional standard, and the membership element may be very profitable. The Grotto would be a high quality boutique hotel, heavily staffed with significant fixed running costs, in addition to not-insubstantial variable costs. The consultants conclude that the hotel could not be smaller as this would reduce the value per key.

Recommendation

- 11.17 Knight Frank advise that they are satisfied that a case for enabling development has been made and that the proposed development is the minimum necessary in order to secure the future of the site. The marketing, whilst not conventional, was undertaken for an appropriate time period, and the interest has been evidenced by the applicant. From reviewing the development appraisal and mirror appraisals run to test the level of conservation deficit Knight Frank advise that the proposed development is the minimum necessary as a smaller hotel scheme would be less viable.
- 11.18 Knight Frank recommend that the lodges and houses, which go against planning policy, could be ancillary to the hotel. The lodges are considered as ancillary to the hotel, as they are treated as hotel bedrooms, and they would be tied to the hotel. Knight Frank's rationale behind recommending the houses stay as hotel accommodation was to avoid fragmentation of the site, in the event that the hotel was sold, and that planning permission would need to be sought to change the use to C3. This is taken from the Historic England document on enabling development. The Council has considered this recommendation, and sought further advice from Knight Frank in terms of the value, and input from Historic England.
- 11.19 Knight Frank advise that if the houses were to be used as C1 (hotel) use, accounting for 8 bedrooms across the two properties, and with no capital receipts from the houses as C3 uses, the conservation deficit increases, creating a deficit of -£5.58 million. The deficit increases as the cashflow suffers by not receiving the capital receipts from the sale of the residential properties. Of relevance is that the build costs are higher for the hotel element and if a higher hotel use construction cost were to be applied this would increase the deficit further. Following this advice the Council liaised with Historic England, as officers were concerned that as the deficit increased this may then add additional enabling development elsewhere on site to meet this increased deficit, and that the dwellings should not be ancillary to the hotel. Historic England agreed, and accept that the houses should be treated as separate residences.
- 11.20 The applicants note that the Historic England document provides guidance on the fragmentation of the site, if it is unavoidable, and that an overall management plan should be put in place. The applicants would prepare a 'conservation management

plan' to 'set out the ongoing actions necessary to sustain the significance of a place once that change has taken place'. It is a document which seeks to ensure the ongoing maintenance of the buildings and landscape is undertaken in a coherent manner by multiple legal interests. This will form part of the Section 106 legal agreement, and its preparation will be a collaborative process involving all interested parties.

- 11.21 The Historic England document states that, in section 4.5, the primary concern with fragmentation is that the land is broken up to isolate non-viable parts of an estate, thus compromising the long-term viability of the asset as a whole. This is not the case with this proposal. The disposal of the two plots of land and the dwellings is to provide capital to fund the restoration of the heritage asset and provide the initial investment to create long-term security for the asset.
- 11.22 Council officers therefore consider that it would not be in the best interests of the heritage asset and site as a whole to accept the advice of Knight Frank to tie the houses to the hotel use.
- 11.23 It is therefore considered that an enabling development case has been proven.

12. Principle of hotel (C1) use, associated extension, spa and lodges

- 12.1 Taken together the following strategic and development management policies of the development plan provide a policy framework for determining the acceptability of the proposed hotel use, and the proposed associated extension. Core Strategy Policies ADPP1 (Spatial Strategy) and ADPP5 (North Wessex Downs AONB) give the overall strategy for new development in the district and AONB. Core Strategy Policies CS10 and CS11 provide development management policies for supporting the rural economy and locating specified uses including hotels. Saved Policy ENV.19 of the West Berkshire District Local Plan provides criteria for acceptable conversions of existing buildings in the countryside to non-residential uses. Each policy is considered in turn below.

- 12.2 According to Core Strategy Policy ADPP1:

“Development in West Berkshire will follow the existing settlement pattern and comply with the spatial strategy set out in the Area Delivery Plan policies of this document based on the four spatial areas.... West Berkshire’s main urban areas will be the focus for most development. The most intensively used developments, intensive employment generating uses, such as B1(a) offices, and intensive trip generating uses, such as major mixed use, retail or leisure uses, will be located in those town centre areas where the extent and capacity of supporting infrastructure, services and facilities is the greatest.... The scale and density of development will be related to the site’s current or proposed accessibility, character and surroundings. Significant intensification of residential, employment generating and other intensive uses will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited.”

- 12.3 The application site is located outside of any defined settlement boundary, and is therefore regarded as “open countryside” for the purposes of Policy ADPP1. According to the policy:

“Only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.”

- 12.4 On balance, it is considered that the conversion, extension, spa and lodges, do not confirm wholly with this policy. The site is located outside of the spatial areas, within open countryside. Although the scheme is not a major one, in terms of the size of the hotel, it does go beyond being small scale. It is not in an accessible location, with limited opportunities to access by public transport, cycling and walking. However, it would contribute to the rural economy, and paragraph 84 of the NPPF recognises that planning decisions should recognise that sites to meet local business and community needs in rural areas may need to be found beyond settlement boundaries, and in locations not well served by public transport. In such circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an acceptable impact on local roads, and exploits any opportunities to make a location more sustainable. As explained in section 18 (transport) there are no unacceptable impacts on local roads, and a travel plan is to be conditioned in recognition of the unsustainable location.

- 12.5 According to Core Strategy Policy ADPP5:

Environment

“Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty.”

Economy

“Small, local businesses will be supported, encouraged and protected within the AONB providing local job opportunities and maintaining the rural economy.... Positive management of the AONB will take place through partnership working to ensure its continuation as a location for leisure and green tourism. The AONB will continue to play an important role in attracting visitors and investment. The landscape and recreational role of the waterways, which make a positive contribution to the character and cultural heritage of the AONB, will be strengthened as part of this.”

- 12.6 This is considered further in section 16 (character of the area and AONB). In summary, the conversion and extensions are considered acceptable, restore the listed building, and are on on par with the conversion and extensions previously approved as part of the 2010 and 2014 permissions. Additional screening will be required for the Studio. The hotel use will contribute to the aim of ensuring the AONB is a location for leisure and green tourism, and the proposal will attract visitors, also making use of the waterway setting.

- 12.7 According to Core Strategy Policy CS10:

“Proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.”

12.8 The hotel use is an existing small and medium business enterprise, as the applicants have other properties in London. As explained in section 14 for economic development and supported by economic development officers there will be job opportunities, with a mechanism in the legal agreement to secure local employees. The hotel, club and spa will sit alongside existing hotel facilities in surrounding settlements, rather than seeking to compete with them.

12.9 According to Core Strategy Policy CS11:

“The vitality and viability of the District's town, district and local centres will be protected and enhanced. The existing network of town, district, local, and village centres will form the focal point for uses, services, and facilities serving the surrounding population. The main town centre uses identified by the NPPF will be directed to the town and district centres defined in this policy.”

12.10 The definition of “Main Town Centre Uses” in the NPPF includes “*culture and tourism development (including ... hotels and conference facilities)*”. According to paragraphs 86-88 of the NPPF:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.”

12.11 As a hotel, the proposed development constitutes a Main Town Centre Use, and is it proposed to be located in an “out of centre” location. The application is not accompanied by a NPPF-complaint sequential test. The size of the proposal is such, that it is considered to be beyond the “small scale rural development” which is exempted from a sequential test. The proposal therefore conflicts with Policy CS11 and paragraph 86-88 of the NPPF in this respect. It is, however, acknowledged that the proposed hotel represents the most viable option for the site, as concluded in the enabling development case, as confirmed by the consultants Knight Frank. As a boutique hotel with spa, members club, and bar and restaurant, and as a sister hotel to the applicant's other operations the Devonshire and Curtain hotels/clubs, it serves a particular purpose and clientele it is not considered that the proposal would have a significant adverse impact on the vitality and viability of the District's town, district and local centres. There are no comparable sites in nearby Streatley and Pangbourne, which already have a building on site. Moreover, in assessing the enabling case Knight Frank recognise that there are not many options for the building, given its condition, small amount of land, and compromised outlook resulting from the electrification of the railway line. Knight Frank conclude that residential and leisure uses are the most viable uses in this location. There has been no success in securing a residential use. As an important material consideration in support of the scheme it is considered that

the hotel use is a viable option for the building, and this outweighs the conflict with planning policy in respect of the sequential test.

12.12 According to Saved Policy ENV.19 of the West Berkshire District Local Plan:

- a) *Proposals for the re use or adaptation of existing buildings in the countryside will be permitted provided the form, bulk and general design of the existing buildings are in keeping with their surroundings; and*
- b) *The existing buildings are suitable for the proposed new use(s) without needing extensive alterations, rebuilding and/or enlargement; and*
- c) *The conversion would not have a detrimental effect on the fabric, character and setting of historic buildings; and*
- d) *The conversion respects local building styles and materials; and*
- e) *The proposed curtilage of the new development is not visually intrusive or harmful to the amenities of the surrounding countryside; and*
- f) *The proposed new use(s) would not generate traffic of a type or amount harmful to local rural roads, or require improvements which would detrimentally affect the character of such roads or the area generally; and*
- g) *The proposed new use(s) would not result in material harm to the environmental qualities of the surrounding rural area; and*
- h) *The use of the building by protected species is surveyed and mitigation measures are approved by the Council using expert advice.*

12.13 The form, bulk and design of the conversion including the attached extension and upgrade of the eastern elevation are considered to be in keeping with the surroundings of The Grotto, and the materials are complementary. Whilst the extent of the proposed extensions go beyond the scope of criterion (b) of Policy ENV.19, it is relevant to take into account that the extensions are well-designed, subservient, and do not attract an objection from the Conservation Officer in terms of their impact on the significance of the designated heritage asset. It is considered that, if these extensions were proposed under the current residential use, they would comply with Policy C6 of the HSA DPD which provides a presumption in favour of extending existing dwellings in the countryside subject to criteria.

12.14 The NPPF, at paragraph 83, enables the sustainable growth and expansion of all types of businesses in rural areas, through the conversion of existing buildings and well-designed new buildings.

12.15 In respect of e) the curtilage is not visually intrusive. Clearly, the site will be subdivided, and this is discussed in section 15 (heritage assets). In respect of f), and as detailed in section 18 (transport) the hotel use would not generate traffic to be harmful to local roads. The improvements would remove some roadway, and enable a larger area to be returned to green amenity space. In respect of h) the building has been surveyed for protected species, and no bats have been found.

12.16 In respect of g) the hotel use would be of greater intensity than at present, and as a functioning residential use. Visitors would make use of the front lawn, and the swimming pool and tennis courts. Office workers would have also made use of the front lawn, though it is appreciated that this would have been to a lesser extent, and concentrated to work days. Making use of the site for enjoyment purposes is not considered harmful. Amplified music will be restricted.

12.17 According to Saved Policy RL.5A of the West Berkshire District Local Plan:

“The Council recognise the recreational value of the Thames and the need to protect the particular environment and setting of the river within West Berkshire. It will permit proposals for recreational schemes only where it is not located in an area or proposed in a form which would:

- i. harm the character or landscape setting of the river*
 - ii. significantly increase use of the river by boats*
 - iii. harm the amenity and informal recreational value of the river, or*
 - iv. reduce or inhibit public access to the riverside or prejudice the Thames path*
- Permanent moorings will only be granted in appropriate off river locations specifically provided to replace existing permanent moorings in the main river channel.”*

- 12.18 The boathouse is a reinstatement of what would have been previously been present, and is similar to what has previously been approved as part of the 2011 and 2014 schemes. It is considered to comply with the above policy.

13. Principle of new housing in the countryside

- 13.1 The housing supply policies of the development provide an up-to-date framework for locating new housing development within the district. The relevant housing supply policies for this application include Core Strategy Policies ADPP1, ADPP5 and CS1, and Policy C1 of the HSA DPD.

- 13.2 Policies ADPP1 and ADPP5 are detailed in paragraphs 12.3 and 12.5, and set a general policy of restrain in open countryside.

- 13.3 According to Core Strategy Policy CS1:

“New homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy and Area Delivery Plan Policies.... New homes will be primarily developed on: suitable previously developed land within settlement boundaries; other suitable land within settlement boundaries; strategic sites and broad locations identified on the Core Strategy Key Diagram; and land allocated for residential development in subsequent Development Plan Documents.”

- 13.4 According to Policy C1 of the HSA DPD:

“There will be a presumption against new residential development outside of the settlement boundaries.... Planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.”

- 13.5 The application site is located in open countryside within the AONB. The proposed new houses therefore directly conflict with the housing supply policies detailed above. It is recognised that there is a net increase in one dwelling, as one residential unit in the Studio would be lost to the spa. However, as one of the new houses is not regarded as a replacement due to a different location on site it is still considered that the above policies are relevant.

14. Economic development

- 14.1 According to paragraph 80 of the NPPF, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In terms of supporting a prosperous rural economy, paragraph 83 of the NPPF states that planning decisions should enable: (amongst others) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 14.2 Paragraph 82 states that planning decisions should recognise and address the specific locational requirements of different sectors, and in this respect it should be acknowledged that such hotel development benefits from an attractive rural setting.
- 14.3 According to paragraph 84, planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 14.4 The Council's economic development officer supports the application, and there will be benefits generated through the construction and operational stages. During the construction period:
- 57 direct temporary full time equivalent (FTE) jobs per annum over the construction period of 18 months
 - 38 direct net additional FTE employment opportunities for residents of Berkshire
 - 19 net additional indirect FTE employment through onward expenditure and supply chain.
 - This could contribute an economic contribution of £4.4 million GVA to the Berkshire economy annually.
- 14.5 In the operational phase there would be 183 gross jobs created on site when fully operational with a predicted £3.4 million GVA contribution annually to West Berkshire and £6.1 million GVA annually to Berkshire as a whole. It is expected that the Section 106 legal agreement will include a requirement for an employment and skills to ensure that local jobs are created, particularly using apprentices where appropriate. This would be developed with the applicant.
- 14.6 In addition to this, an anticipated £9.2 million visitor expenditure could be generated over 10 years and £87,000 in business rates revenue p.a.
- 14.7 The proposal is in accordance with the West Berkshire Economic Development Strategy 2013-2018 (in the process of being updated) by:
1. Work with partners to ensure that local skills meet the needs of today's business and work environments.
 2. Promote West Berkshire as a desirable location for combining business, leisure, learning and life.
 3. Become more business friendly and encourage new investment and business retention across all sectors.

- 14.8 Whilst the site is in an unsustainable location, as detailed below, a Travel Plan will be developed as part of a planning condition. This will encourage staff to make use of sustainable transport methods, including car sharing. Measures will be encouraged to operate a shuttle bus for visitors.

15. Impact on heritage assets

Listed Building

- 15.1 The Grotto is a Grade II listed building. Historic England provide the significance of the Grotto in their initial consultation response, as follows. 'The Grotto has an interesting history, beginning life as a small brick villa built for Lady Fane in the 1730s. Despite its small size, this was a highly fashionable building associated with a once famous grotto decorated by Lady Fane situated close by. It was expanded in several phases from the mid-18th or the mid-19th centuries to become a modest country house. The most significant parts of the building are the remains of Lady Fane's original house and its first, mid-18th century, extension. These have considerable historical value, despite extensive later alterations, as an early example of very high-quality villa architecture.
- 15.2 The later 18th century flanking wings, while now surviving only in a fragmentary state, also have a degree of historical value in that they tell the story of how this building evolved into a country house. While these extensions undoubtedly compromised what must have been a building of outstanding architectural quality and the two wings were carefully designed as a sympathetic, symmetrical and well balanced additions. The East Wing also includes some fine interiors, most notably the Octagon and the Oval Room. Subsequent alterations and extension have not been as careful.
- 15.3 Nevertheless, architecturally it still retains the character of a country house in extensive landscaped grounds, which has always been a defining feature of the building. The drama of the site, with the isolated house sitting on rising ground surrounded by trees commanding views over the Thames, must have been recognised and consciously exploited by Lady Fane and her architect and survives largely intact. Likewise, the approach from the south-west through informal park and trees almost certainly forms an integral part of the way in which the building was originally conceived.'
- 15.4 The proposal would result in harm to the setting of the listed building, and these would amount to less than substantial harm. The proposals, notably the new dwellings and lodges would erode a number of aspects of the buildings' significance, rather than seriously affecting a key aspect of the building's architectural or historic interest. Such harm should not be accepted unless it is clearly and convincingly justified. Furthermore, the public benefits of the proposal need to outweigh the harm. As explained in section 11 the enabling development case has been proven.
- 15.5 The subsequent amendments, in terms of reducing the scale of the coach house extensions, reduction in size and change in location to the two dwellings, and reduction in one of the lodges, lessens the amount of harm. The removal of the eastern most lodge, the most prominent of the lodges, is of benefit. However, any development on this part of the site would detract from the sense that this is a country house in its own grounds. Moving the two dwellings down the hill reduces the impact these buildings would have on the setting of the Grotto, but there would still be an element of harm to

the significance of the listed building, as the sense of it being a country house in extensive grounds would still be diminished.

- 15.6 Section 6.1.2 of the Historic England enabling development document recognises that 'there will be occasions where proposed enabling development would result in marginal harm to some aspect of the significant place or its setting, yet it complies with the other criteria, and after thorough investigation it is clear that it represents the least harmful means of securing the future of the place as a whole'. It would therefore be appropriate to weigh the benefit to the place against the harm, not only to other public interests, but also to the place itself.
- 15.7 The Grotto is in a poor condition and extensive repairs, along with a new use, are needed. Thus, a key consideration is whether the degree of enabling development is necessary to give this property a sustainable future, and if so, whether everything possible has been done to minimise the harm entailed by this level of development. The engagement with Knight Frank to review the enabling development case, and following the conclusions of this assessment, that amended plans received, and that ultimately this scale of additional development is necessary. Further considerations of moving the lodges may not be practical for operations reasons or may increase the impact on the AONBs. Therefore, there is clear justification for the amount of additional development. Paragraphs 196 and 202 of the NPPF requires the harm to be weighed against the public benefits of the proposals, including finding its optimum viable use, and securing the future conservation of the building. The Council and Historic England are persuaded that development of this sort and scale is necessary if this building is to be conserved.
- 15.8 The Council has a statutory duty, in sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest.
- 15.9 The internal works to the building are acceptable. The conversion to a hotel, with the member's club, bar and dining area, means that the existing internal structure can remain largely intact. The eastern extension enable the Oval room to be reinstated, and as the local historian details, could enable the original shell elements to be exposed for public benefit. Conversion to flats or an institutional use (as examples) could possibly compartmentalise the building which may not be as beneficial as the proposed hotel use. Furthermore, the hotel use allows for a degree of public access, which would not otherwise be had with private residential use. As the local historian notes the reinstatement of certain rooms, notably the Oval room and the unearthing of the shell walls would be able to be enjoyed by visitors. This is a further public benefit of the proposal.
- 15.10 The works to the main Grotto building to reinstate it, with the attached extension is considered acceptable. Original features are sought to be added, such as the conservatory at the first floor. This also follows what was approved in the 2010 and 2014 applications. The attached extension is in keeping with the style of the listed building, and is not as large as what was originally approved.
- 15.11 The spa building is lower and less visible than the cottage which benefitted from permission in 2012. The boathouse is of a type that would be expected on the riverside. These elements would not have an adverse impact on the setting of the listed building.

- 15.12 Ultimately, the amended plans lessen the harm to the setting of the listed building and have been proven necessary to secure the long term future and conservation of this heritage asset. The conservation of the listed building is of key importance.

Archaeology

- 15.13 The Council's archaeologist notes that there have been previous investigations undertaken within the building but no archaeological fieldwork carried out in the garden. The site's location beside the Thames is a significant one, and there is a known area of Roman and earlier occupation less than 200m to the south-east. The archaeologist believes that as ground disturbance will occur during the construction of the lodges and dwellings this deserves archaeological supervision, to ensure that any below ground remains are recorded. The submission of a programme of archaeological work is therefore proposed by condition.

16. Impact on the character of the area and the AONBs

Major development in the AONB

- 16.1 According to paragraph 172 of the NPPF, the scale and extent of development within AONBs should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 54 reflects case law on this policy from the 2012 NPPF in that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. Taking into account the nature, scale and setting of proposal compared to the existing nature, scale and setting of development on the site, it is considered in the specific circumstances of this case that the proposal does not amount to 'major development' in the context of paragraph 172, and so this policy does not apply.

Assessments

- 16.2 The site is located within open countryside, within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB) and adjacent to the Chilterns Area of Outstanding Natural Beauty (C AONB). The NPPF and Core Strategy Policies ADPP5 and CS19 seek to conserve and enhance landscape, local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity, and dark night skies. Development will need to respond positively to the local context and respect identified landscape features and components of natural beauty.
- 16.3 The Council has engaged the services of a Landscape Architect to assess the scheme, and to consider the applicant's proposals and Landscape Visual Impact Assessment (LVIA). The advice has been updated in relation to the amended plans, and further information, notably an updated Landscape and Visual Impact Assessment. Character Assessments relating to the site are summarised below:

North Wessex Downs Landscape Character Assessment 2002

- 16.4 The site lies within LCA2B: Ashampstead Downs. The key management requirements (relevant to this application) for this area are to conserve and enhance the quiet rural character and parkland.

Berkshire Landscape Character Assessment 2003

- 16.5 The application site lies within the Elevated Wooded Chalk Slopes – N1 Basildon and is adjacent to Lower Valley Floor – B2 Pangbourne Thames. The landscape strategy for this area is to conserve and where important characteristics are declining in quality, they should be restored. The strategy states that this includes the mixed wooded horizons and slopes and valley woodlands as well as the importance of promoting positive views of the Thames and Chilterns from within this landscape type. Relevant landscape management guidelines include ‘cooperate with owners to secure managing adjacent landscapes visible from this area to ensure the continued presence of positive cross-valley views between the Chilterns AONB and this landscape type’. The character area evaluation for N1 Basildon states this area has a strong memorable character due to its dramatic landform, strongly wooded character, and spectacular views of the Goring Gap.

- 16.6 The application site also abuts the landscape type Lower Valley Floor B2 Pangbourne Thames which the features of key significance include ‘quality of views to the river and to the valley sides’ and ‘the presence of historic parkland’. The landscape condition of this type is described as ‘strong, although many features which contribute to the character particularly at fine grain are deteriorating’ with a key issue relevant to this application is the ‘continued management of the historic parkland resource’. The overall landscape strategy is to conserve and restore the landscape character. The Pangbourne Thames LCA is described as being a more remote rural area than other character areas within this type, partly being more enclosed due to the borrowed character from the adjoining steep enclosing bluffs of the Chilterns and the wooded dip slope.

Newbury District Landscape Character Assessment 1993

- 16.7 The site lies in LCA: 4: Eastern Chalklands – Wooded. The strategy for this LCA is for conservation. The guidelines suggest that appropriate management and replanting of parkland trees would maintain the enrichment of the landscape. With regard to development, the guidelines include that new housing should not be sited on open slopes.

Chiltern AONB

- 16.8 The site is located adjacent and will also be visible from the following landscape character types: Thames Floodplain and Escarpment and the following Landscape Character Area 11 Thames Valley and Fringes. The landscape management issues describe the landscape of the Thames Valley and Fringes ‘of high scenic quality, with its ribbon of tranquil floodplain pastures, wooded hillsides and picturesque parkland’, with management objectives to conserve and enhance these characteristics. The issues also mention the gradual suburbanisation of the river corridor setting with an example listed as ‘on the fringes of Goring’. General conclusions for development states that ‘development within visually exposed landscapes (e.g. along the valley sides) will be highly prominent and is also generally undesirable’.

Visual Impact/Viewpoints

- 16.9 In considering the 20 viewpoints outlined in the updated LVIA the landscape architect notes that due to the undeveloped character of the locality views of the site are predominantly from public rights of ways. The viewpoints are from up and beyond the railway line, locations along the Thames path, from the north-east of the site including the Chilterns Way.
- 16.10 The landscape architect considers that the proposals will be visible from the Thames Path and from the east, and viewers will experience an increase in building mass and the loss of the tightly framed view of the Grotto due to removal of certain trees. Any new development would erode the rural character, seen against the existing low density of the locality.
- 16.11 The two dwellings have been moved further down the slope, and there will be still be longer views of the roofs/tops of the buildings. The tree belt along the Thames will provide some screening and filtering for views from the east. The coach house is set at a lower level than the Grotto house.
- 16.12 The landscape architect considers there will be indirect impact on the Chilterns AONB, in the Thames Valley and Fringes. The increase in development and loss of parkland trees will not conserve or enhance the quiet rural character and would have an adverse effect on the landscape character of the Chiltern AONB.

Landscape character

- 16.13 When considering the impacts on the landscape character of the site the proposal will result in a direct loss of parkland, including areas of grassland and trees. The landscape architect therefore considers the magnitude of change to be large and will result in a major landscape effect, which will be classed as significant. The car parking will require some levelling, which would have an adverse impact on the landscape character. The two dwellings and new entrance gates will enclose the setting of the originally open parkland driveway. The two dwellings have been moved further down the slope, and there will be still be longer views of the roofs/tops of the buildings.
- 16.14 The landscape architect is concerned that the landscaping plan is adhoc and out of character with the garden and parkland. It also does not attempt any conservation or restoration of the grounds or the setting of the Grotto house. A number of trees would be removed, leaving some for filtering views from the Thames path and locations further to the east. The spa, due to the removal of trees. The spa will be visible from the Thames path and locations further to the east.

Heritage Statement

- 16.15 The landscape architect also comments on the Heritage Statement. Comments are made on the impact of the setting of the parkland, and the architect disagrees with the applicant that the parkland makes little contribution to the setting of the house. The new driveway will also be historically inaccurate as an 18th century driveway would have circled the grounds offering views before arrival.

Conclusions of landscape architect

- 16.16 The proposal will have an adverse visual effect on the amenity value of the Thames Pathway, Chilterns Way, and other public rights of ways to the east, with the existing undeveloped character of the wooded hillside replaced with a view of increased built development. The site's parkland features contribute to the rural quality of adjacent

landscape character areas. The increased development of the site will have an adverse effect on the landscape quality of these adjacent areas as well as the undeveloped landscape character of the River Thames. This is not in line with the landscape character assessments, as outlined above. The landscape character will be weakened through 'insensitive and modern development'. There will be an indirect impact on the Chilterns AONB.

- 16.17 The reduction in the scale and massing of the buildings is an improvement, though the landscape masterplan is not considered to go far enough in conserving and enhancing the landscape character of the site, and of the AONBs. A landscape strategy is therefore recommended to develop a revised landscape masterplan.
- 16.18 The LVIA does not provide a thorough assessment of the visual impact, and does not include mitigation measures. The landscape therefore suggests mitigation measures, including further tree planting, change in location of the car parking spaces, to undertake remodelling of the landform around the Grotto house, and ensure earth mounds created around the car parking areas to marry back into the surrounding landscape.

Consideration of the impact of the scheme

- 16.19 It is considered that the design of the extension, coach house extension, spa building, boathouse, lodges and dwellings are of high quality. However, due to the amount and location of development it is clear that the proposals will have an impact on the character of the area and the North Wessex Downs and Chiltern Areas of Outstanding Natural Beauty.
- 16.20 The two dwellings in particular would affect the parkland setting and disrupt the views to the Grotto building on arriving at the site. The dwellings would be seen from viewpoints from the north, enabling a greater appreciation of new built form. Amended plans were sought to reduce the bulk of the dwellings, to locate the dwellings further down the slope, and to locate the dwellings closer to the eastern boundary. The dwellings are recognised to be quite large, and reducing the bulk and locating them further down the slope reduces the visual impact of the dwellings. Locating the dwellings close to the eastern boundary seeks to group the buildings more closely with the neighbouring residences, thus seeking to group development together. A site visit was undertaken to view the site from the Thames Path and the amount of existing tree cover is considered to provide some screening. It will be important for this tree screening to remain in place, to avoid views being opened up, and also to avoid the domestication of land as is evident at other residential properties along the Thames. It is considered necessary to remove permitted development rights for extensions and outbuildings to seek to reduce the amount of additional built form on site without further consideration by the Local Planning Authority and other interested parties.
- 16.21 The lodges, whilst in a relatively secluded part of the site, still introduce a new element of development in a raised position above the Grotto when viewed from the north, and are prominent features. The removal of the eastern lodge is considered to be of benefit, as this was the most visible from the north. The design of the lodges is such that they are relatively small scale in size. Additional landscaping may be necessary to further soften the impact of the lodges. The approach road is now focused on directly visitors to the front of the Grotto building and the main car park, rather than having all visitors travel past the lodges. This is a more historically correct access road.

- 16.22 The coach house extension is a large building, and materials would be different to those of the Grotto house. Amendments have been made to reduce the overall bulk, and it is considered to be more of a subservient addition to the building. The footprint is similar to the garage previously approved, although there would be additional bulk and less separation between the Grotto house and coach house. The building, along with the extension, and spa ensure that the new/replacement additions are concentrated in an area on site where existing development is concentrated, thereby reducing the visual impact and impact on the AONBs.
- 16.23 The extension and spa building, boathouse, and works to the Grotto building are considered to be similar to those developments previously approved under the earlier permissions. The works to the Grotto building itself would enhance the view of the building, bringing in original features to the building, such as the reinstatement of the oval room and the first floor conservatory. The current condition of the building is poor, and detracts from the character of the area and views enjoyed from across the river. Works to renovate the house and reinstate the features as explained above would therefore conserve and enhance the character of the area and AONBs.
- 16.24 The car parking spaces are urbanising elements and cut into the existing parkland setting. The main car park will also cut into the ground, and this will need careful management, as suggested by the landscape architect. For this facility it is difficult to see where car parking could be located instead. Grouping the majority of parking spaces into one location may limit the impact as opposed to locating pockets of parking around the site. The additional landscaping, type of surfacing material, and external lighting will be important to consider, which will be subject of planning conditions.
- 16.25 The proposal will lead to the increase of activity on the site. Weddings and external events are likely to need licenses, and this activity can be controlled through the terms of such licence. Guests making use of the facilities and grounds is to be expected, though it is not considered that this would be to such an extent as to have a significant adverse effect on the tranquillity of the area. Amplified music would be restricted. The hotel contains 53 bedrooms, so is not a large scale operation.
- 16.26 The Local Planning Authority has a duty of care to protect this important landscape, as it also has a duty of care to protect heritage assets. There is a balance to be struck. As this is an enabling development a degree of harm is to be accepted, and the public benefits of the scheme are to be considered. As outlined below, in the trees section, the landscaping is a key element of softening the impact of the development. The landscape architect recommends more is added. Tree retention is also important, to screen the view of the two houses from the Thames path, and to avoid the domestication of land along the river side. This is evident on other residential properties along the Thames. Ultimately, the amended plans lessen the harm, and a strong landscaping scheme will be required, to be secured by planning conditions.

17. Trees

- 17.1 The application has been supported by an Arboricultural Impact Assessment, which has been updated as part of the amended plans. The tree survey and reports have been undertaken in accordance with BS5837:2012, and the tree officer considers that they appear to be a fair reflection of the trees at the site and the condition of the trees.
- 17.2 The site contains a significant number of trees, as identified in the report. The proposed changes at the site will require the removal of 14 B grade individual trees

and 1 B grade group of trees, the majority of which are located in the area of the proposed lodge units, and the 2 new house, with the exception of T3 Ash & T10 Sycamore, which are in the area of the new swimming pool.

- 17.3 These trees are considered to be trees of better quality at the site, but given their relatively low visual amenity these trees provide, it would be difficult to, argue for their retention. The beech trees around the area of the lodge units are only semi mature, the same as the two pine trees T68 & T69 and cedar T70. In response to earlier queries made by the tree officer the T48 Cypress tree is to be retained rather than removed, due to its hardy nature. The T85 Beech is still to be removed due to the potential impact of the parking area on its root protection area. The tree officer raises no objection to this.
- 17.4 The other tree removals at the site include 12 C grade trees, and 1 group, and 5 U grade trees. The rest would appear to be able to be retained and protected throughout the development, subject to agreement on the tree protection requirements.
- 17.5 There are a few other potential conflict points around the site, which will require, either amendment, or Arboricultural input, to ensure that the trees are not damaged, these are as follows.
- 17.6 The additional details on services and tree protection etc. can be covered by suitable conditions along with the site supervision for all of the Arboricultural works, as covered in part 4.6 of the tree report, as there are a number of potential issues, which require onsite supervision, it would be advisable for the project Arborist to be retained.
- 17.7 The landscaping scheme proposed for the site, has identified a number of areas of tree and hedge planting, which should help mitigate the losses proposed to facilitate the development, the introduction of new tree species and native hedges, is very much in keeping with the surrounding area, and full details can be subject to a landscaping condition, along with details on the management of the new planting, and site in general. The landscape management plan covers a period of 10 years. Landscaping, particularly on the banks of the River Thames would be expected to be retained in perpetuity to keep shielding views of the two dwellings, and to avoid the domestication of land as has been experienced on householder plots directly adjacent to the site and on residential properties towards Streatley/Goring. Therefore, the Section 106 should also contain a clause relating to landscape retention, following on from the landscaping scheme and landscape management plan.

18. Transport

- 18.1 The NPPF seeks to promote sustainable transport, and paragraph 108 states that appropriate opportunities are given to promote sustainable transport modes, given the type of development and its location; that safe and suitable access can be achieved for all users; and any significant impacts from the development on the transport network or highway safety can be mitigated. Furthermore, paragraph 84 states that planning decisions should recognise that sites to meet local business needs may not be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Development in these circumstances should be sensitive to its surroundings, and would not have an adverse impact on local roads. Core Strategy Policy CS13 echoes paragraph 108 of the NPPF.

- 18.2 The application is accompanied by a planning statement, transport statement and transport addendum note (submitted alongside the amended plans). As explained in the documentation the Grotto and the Studio were formerly used as B1 offices, where ILAM and Hackinson Duckett Landscape Architects vacated the premises in 2008. ILAM is believed to have 60 staff, and there were approximately 60 staff parking spaces, concentrated around the existing outbuilding, to the front of the building and in the former tennis courts. The site would have accommodated weddings and other events, leading to one-off trips by visitors. The hotel would have approximately 47 staff to support the 53 bed hotel and lodges.
- 18.3 The Grotto is located off a spur road from the A329 between Lower Basildon and Streatley. The site is not well served by public transport, and it is understood that community run bus runs past the site. There are train stations in Pangbourne and Goring, serving between Oxford, Reading and London Paddington.
- 18.4 As the site is poorly served by public transport it is reasonable to assume that the majority of staff, hotel guests and residents would travel by private car. Highways officers were initially concerned that there would not be enough spaces, particularly during times of shift changes in staff. Further information was also sought in relation to visibility splays where the lay-by access joins the A329. Highways officers noted that the proposals would result in a considerable intensification of the use of the access, and thus engineering works, to be secured through a Section 278 Agreement, would enable the upgrade of the access and ensure that there is adequate passing space for vehicles.
- 18.5 Following discussions between the applicant's transport consultant and the Council's highways officers and the reduction in the number of hotel rooms it was agreed that the number of parking spaces is considered acceptable for both visitors and staff, and accounts for changes in the shifts of staff.
- 18.6 The layout of the parking spaces has been changed, so that drivers reverse into the space at an angle and are able to drive forward out. The internal road passing the lodges will be one-way clockwise, and therefore all traffic will not need to pass the lodges to access the main building. Motorcycle bays have been included. Five Sheffield stands for cycles for staff and three for visitors will be provided. Passing places would be provided on points along the access road to allow for vehicles to pass.
- 18.7 The visibility from the spur road to the A329 achieves eastbound visibility of 122 metres and westbound visibility of 215 metres. The eastbound visibility is insufficient for the speed of the road (at 60mph). The applicant therefore undertook a speed survey which identified an eastbound 85th percentile speed of 52.8mph, and a westbound 85th percentile speed of 51.3mph. The visibility requirement could therefore be reduced. The applicant proposes a revised A329 access located approximately 50 metres to the east. This achieves visibility of 178.8m in the eastbound direction, and 215m in the westbound direction. This is satisfactory to the Highways Authority, and will be secured by a S278 Agreement.
- 18.8 The access to the dwellings and level of parking is acceptable, and in compliance with Policy P1 of the Housing Site Allocations Development Plan Document.
- 18.9 Transport Policy officers have commented on the scheme, from a sustainability perspective, in recognition of the aim of the NPPF and Core Strategy to improve travel choice. It is unlikely that staff and visitors would choose to walk or cycle to the site, owing to the speed limit of the A329 and lack of street lighting. Furthermore, the

distance to the nearest train stations are beyond the acceptable walking distances. The hotel operator will therefore need to adopt pro-active measures to encourage alternative choices.

- 18.10 A peak hour shuttle bus is proposed from nearby residential areas and rail stations, and car sharing could be explored. Cycle parking is also provided. The operator would be encouraged to work closely with local taxi firms or private hire firms to provide transport between rail stations and the hotel. It is therefore considered that initiatives to reduce reliance on the private car should be set out in a Travel Plan, and can be secured via planning condition. There is also encouragement to provide electric charging points, both for the hotel and lodges, and the two dwellings.

19. Ecology

- 19.1 The NPPF, in chapter 15, states that planning decisions should contribute to and enhance the nature and local environment, by (amongst others) protecting and enhancing valued landscapes, recognising the intrinsic value and beauty of the countryside, and minimising the impacts on and providing net gains for biodiversity. Core Strategy Policy CS17 seeks to conserve and enhance biodiversity and geodiversity assets across West Berkshire. Habitats designated as important for biodiversity and geodiversity at an international and national level will be protected and enhanced. Development which may harm, either directly or indirectly, locally designated sites (Local Wildlife Sites), or habitats or species of principal importance for the purpose of conserving biodiversity, or the integrity or continuity of landscape features of major importance for wild flora and fauna will only be permitted if there is no reasonable alternatives and that there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species, and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable. Therefore, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity.
- 19.2 The application is supported by a Phase 1 Ecological Assessment and a Phase 2 Bat and Reptile report.

Bats

- 19.3 Both the Phase 1 and Phase 2 surveys did not observe bats emerging or entering the Grotto. The Phase 1 survey classified the Studio and garage as having negligible suitability to support roosting bats, and therefore no further surveys were proposed. Within the local area the majority of bat activity was recorded from common and soprano pipistrelles. There was activity from five identified bat species; common pipistrelle, soprano pipistrelle, serotine, long-eared bat species (likely brown long eared due to geographical location and absence of grey longeared records locally) and barbastelle along with two Myotis species, likely Natterer's and Daubenton's bat were confirmed foraging and commuting within the site boundaries at The Grotto. The trees to be removed within the site are considered to provide negligible and low potential to support roosting bats.
- 19.4 The results indicate the bats are unlikely to be using the building as a bat roost and therefore a European Protected Species licence will not be required to undertake the conversion and extension works.

Reptiles

- 19.5 The Phase II Reptile Survey consisted of a suite of 7 presence/absence surveys conducted in August & September 2016. The Phase II Reptile Surveys found reptiles within the boundary of the development. The results showed the site supports a 'Good' population of slow-worms, with a peak adult count of 5 being found during the survey carried out on the 21st September 2016. To ensure that no reptiles are harmed during the development and the favourable conservation status of the species is maintained, mitigation will be required. Mitigation will entail a reptile translocation taking place, followed by a destructive search being carried out under the supervision of a suitably qualified ecologist. Suitable reptile habitat will be created and retained on site, including the construction of 5 hibernacula within the reptile habitat. This can be secured by planning condition.

Badgers

- 19.6 A badger sett was found within 200m of the site, and 21 setts within 2km of the site.

Birds

- 19.7 No evidence of bird use and bird nesting was noted during the survey. The buildings and vegetation present within the boundaries of The Grotto have the potential to support nesting birds.

Dormice

- 19.8 The closest record for hazel dormouse was located approximately 2km south of the site in association with Basildon Park.
- 19.9 There was no evidence of dormouse nest building and only occasional hazel was noted during the survey. The record located in association with Basildon Park has some limited connectivity to the site, however there is a lack of continual connectivity to the site due to breaks within the hedgerows present between Basildon Park and the site. The majority of the habitat which has some dormouse suitability is shown to be retained and will not be impacted upon through the current proposals. It is therefore considered that the development is unlikely to have an ecological impact upon dormice.

Great Crested Newts

- 19.10 No records for Great Crested Newts were returned within 500m of the site.
- 19.11 The site does contain habitat which could be considered as potentially suitable terrestrial habitat for newts, including woodland areas and scrub. However, newt presence is considered to be unlikely due to there being no ponds located within 500m of the site and the closest great crested newt record being separated from the site by a significant barrier to dispersal, the River Thames. The proposals are therefore considered unlikely to have any ecological impact upon great crested newts.

Other species

- 19.12 Butterflies and a banded demoiselle were noted during the phase 1 survey.

Priority habitats

- 19.13 The site comprises of Woodpasture and Parkland BAP (Biodiversity Action Plan), which now has a higher ecology score than previously (2014 survey) as the management of the site has changed. The majority of the habitats will be retained, although part of the eastern area will be lost for the construction of the two dwellings. The assessment considers that the proposal would have a low to moderate impact on the Woodpasture and Parkland BAP.
- 19.14 The grassland meadow within the site has been left unmanaged, and is of a length which now provides suitable habitat to support invertebrate species, specifically butterflies. Areas of grassland will be maintained, though it is likely that a management regime will be reinstated. The habitat will therefore be lost, and mitigation is needed for the invertebrates.

Mitigation and enhancement

- 19.15 The Phase 1 survey proposes biodiversity enhancements. This includes the avoidance of lighting, or lighting which is shielded or aimed only to illuminate the required area. Bat and bird boxes are encouraged. Building works would need to respect the bird nesting season. Protective fencing would need to be in place around the retained habitat areas. The boundaries of the residential dwellings should incorporate native hedge planting to increase habitat and species diversity, and help mitigate the loss of the Woodpasture and Parkland. A wildflower meadow is encouraged to enhance the grassland meadow. Details and management could be put in a Habitat Enhancement and Management Plan. Measures would be taken to avoid any pollution run off into local water courses (the Thames), and this is a point suggested by the Environment Agency in their previous consultation.

20. Neighbouring amenity

- 20.1 There are seven residential properties in close proximity to The Grotto, whereby six properties share access from the A329 with The Grotto.
- 20.2 The residential properties are located at a sufficient distance from the nearest neighbours so not to result in harm to outlook, privacy and sunlight.
- 20.3 The hotel use and associated comings and goings will have an impact on amenity. The use of the access, compared to the situation that has been in place for the last 10 years, will be noticeable to residents. However, it should be considered that The Grotto was once used for offices, with approximately 60 staff, and accompanying visitors and services, would make use of the access and site on weekdays. The main difference is that a hotel will operate outside of the normal hours of an office, and operate at weekends. A noise assessment has been undertaken, and considered by Environmental Health officers. The assessment considers that noise from traffic would not have a detrimental impact on neighbouring amenity. Details of new plant, such as mechanical ventilation units, extract systems, air source heat pumps, air conditioning units, etc would need to meet the design criteria as suggested in the noise assessment so not to result in harm to neighbour amenity.
- 20.4 Comments have been made from local residents in terms of music and lighting. As outlined in the section on the impact on the character of the area and AONBs details of external lighting would need to be agreed, as part of a planning condition. This is also important to the biodiversity of the area. Such a lighting scheme would need to

be respectful of the dark skies, and in turn this benefits local residents by seeking to ensure that lighting would not have a significant adverse impact on their amenity and enjoyment of the dark skies. It is considered that a condition could be imposed to ensure there is no amplified music after 11pm. Such a condition was placed on the Goring Gap Boat Club which lies further east of The Grotto. It is likely that outdoor events and weddings will need to have appropriate licencing and certain issues, such as music, can be controlled through such licences.

- 20.5 The proposals will result in an increase in activity within the site, but it is not considered that such activities would result in significant harm to the amenities of neighbouring residents.

21. Other matters

- 21.1 The majority of the site lies in Flood Zone 1, and due to the size of the site a Flood Risk Assessment has been provided. The Environment Agency mapping shows the site shows the front lawn and riverside within Flood Zone 2. The riverside is located in flood zone 3. The hotel use is classed as a 'more vulnerable' use, and is appropriate in flood zone 2. The boathouse is classed as a 'water compatible' use, and is appropriate in flood zones 2 and 3. No comments have been received from the Environment Agency or the Council's lead local flood authority.
- 21.2 Sustainable Drainage Systems are proposed, in the form of water butts, pervious pavements, and the implementation of a surface water drainage strategy through the Building Regulations. Whilst the Environment Agency has not commented on this application two conditions were in place to secure a landscape and ecological management plan for areas within 10 metres of the top of the river bank, and also to secure details of the voids within the walls of the boathouse. Such conditions are still considered reasonable. An informative will be added to require the applicant to seek any permissions from the Environment Agency with regards to any works to the river frontage, and any discharge of sewage or trade effluent.
- 21.3 Environmental Health consider contaminants may be present, and if during construction any are found the developers would need to notify the Council.
- 21.4 The dwellings are not subject to the Code for Sustainable Homes, as required by Core Strategy Policy CS15, as the Code is no longer in place. A BREEAM assessment has been submitted, and 'Very Good' can be achieved. Given the scheme represents a conversion and extension, and due to the historic fabric of the building, this is considered acceptable. Conversions do not normally qualify for BREEAM.
- 21.5 Thames Water has advised that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Therefore, impact studies of the existing water supply infrastructure will be required, which will determine if any additional capacity will be required. This will be secured by planning condition.

22. Community Infrastructure Levy (CIL)

- 22.1 The development is CIL liable. The hotel use is nil rated. The dwellings would attract a CIL charge of £125 per square metre, as the site is located within the AONB. CIL officers have calculated this at approximately £133,344.18 (with indexation).

23. Planning balance

23.1 Planning law requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. This section considers the weight that should be applied to the various considerations in the planning balance.

23.2 As detailed in this report it is considered that the proposal conflicts with the development plan in the following respects:

- The scale of the proposed hotel use is such that it goes beyond the small scale of development allowed for in this area by the relevant strategic and non-strategic policies (ADPP1, ADPP5, CS10, CS11) having regard to the relatively inaccessible location in AONB open countryside.
- The application is for a Main Town Centre Use (as defined by the NPPF) which is not located within a town centre location, and for which no sequential test has been provided.
- The provision of two new houses in open countryside is in direct conflict with the housing supply policies of the development plan (ADPP1, ADPP5, CS1, C1).
- The proposal fails to conserve and enhance the AONB in terms of additional built form, visible from various viewpoints from the north and east, and loss of parkland.
- The proposed lodges and residential units cause less than substantial harm to the setting of The Grotto, as a Grade II listed building.

23.3 It is considered that the proposal complies with the development plan in the following respects:

- The change of use of the existing building to a hotel use is broadly in accordance with Policy ENV.19 of the West Berkshire District Local Plan
- In the local context would make a significant contribution to the local rural economy, and would be supplemented by a planning obligation by s106 to ensure local employment.
- Extensions and alterations to the Grotto are in accordance with Policy ENV.19 of the West Berkshire District Local Plan and Policies CS14 and CS19 of the West Berkshire Core Strategy.
- The proposal would not have an adverse impact on the local highway network and highway safety, subject to the junction improvement where the spur road meets the A329.
- Subject to mitigation there would be no adverse impact on biodiversity, and the proposal is in accordance with Policy CS17 of the West Berkshire Core Strategy.
- The scheme secures the future of the listed building.
- The scheme would have no adverse impact on neighbouring amenity.

23.4 Other important material considerations which need to be taken into account include:

- If the property were to remain as a single residential dwelling, the proposed extensions would comply with Policy C6 of the HSA DPD as they are subservient in scale and design to the main building (note, there is no objection from the conservation officer to the extensions), and in keeping with the character of the area and AONBs, as evidenced by the earlier grant of planning permission.

Conflict of hotel use and extensions with Policies ADDP1 and CS11

- 23.5 The degree of conflict with Policies ADPP1 and CS11 (and the associated policies of the NPPF) is considered to be fairly moderate by comparison to other considerations. This view is taken because the conclusion that the proposal conflicts with the development plan is, in itself, an on balance conclusion, as there are other “in principle” policies of the development plan which pull in favour of granting planning permission (including Policies CS10 and ENV.19, and parts of Policies ADPP1 and ADPP5). As such, the conflict with these policies attracts moderate weight in the planning balance against granting planning permission.

Conflict of proposed new dwellings with Policies ADPP1, ADPP5, CS1 and C1

- 23.6 The housing supply policies of the development plan normally attract substantial weight, and the erection of two dwellings in open countryside is in direct conflict with these policies. However, in the context of the other considerations in this balance, it must be recognised that the new dwellings are a small element of the overall proposal, and the NPPF allows for the development of isolated homes in the countryside where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets (a case for which is made out in the application). As such, in this particular case, the conflict with the housing supply policies attracts moderate weight against granting planning permission in light of the enabling development case.

Conservation of the AONB

- 23.7 According to paragraph 172 of the NPPF, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. In this instance, the degree of harm is considered to be moderate, in light of the enabling development case. The Council’s consultants have confirmed that the quantum of development represents the minimum level of development to secure the future of the heritage asset. To secure the future of the listed building a level of harm is accepted. When considering that an extension, garage, replacement building at the Studio and boathouse was previously approved the harm is limited to the addition of the two new dwellings, car parking, lodges, and to the additional bulk of the coach house extension (over and above the garage previously approved). Amendments have been made to seek to reduce the impact on the character of the area and AONBs. On balance, and subject to conditions, it is considered that, in this particular case, the development is acceptable in this respect.

Harm to setting of listed building

- 23.8 According to paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 23.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. According to Section 66, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 23.10 Whilst there are no conservation objections in terms of the direct impacts on the listed building, the six lodges and the two new dwellings would cause less than substantial harm to the setting of The Grotto. Historic England and the Council's conservation team agree that the harm to the listed building has been clearly justified and the public benefits are such to recommend that the sort and scale of the works are necessary if the building is to be conserved.

Economic development

- 23.11 According to paragraph 80 of the NPPF, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. As detailed in Section 14 of this report, the proposed development would make a significant contribution to the local rural economy due to the nature of scale of the business and the planning obligations to secure local employment. As such, the economic benefits of the proposal attract significant weight in favour of granting planning permission.

Other matters

- 23.12 The various other considerations detailed in this report have been taken into account in this planning balance. Most of these are neutral considerations in the planning balance (where appropriate mitigation can be secured), or are relatively minor issues so as not to be determinative in the planning balance.

Enabling development

- 23.13 According to paragraph 202 of the NPPF, local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 23.14 As detailed in Section 11 of this report, it is concluded that a genuine enabling development case for this specific development has been demonstrated.
- 23.15 This conclusion follows an exhaustive assessment and negotiation. Planning and Conservation Officers have engaged the specialist assistance of an expert consultant on enabling development (working on behalf of the Council) and Historic England to independently assess the enabling development case in accordance with the published Historic England guidance. This assessment and negotiation has comprehensively tested the quantum of the proposed development, reviewed different design solutions for the extensions and houses, and considered alternatives such as proposing new homes that are ancillary to the C1 (hotel) use as opposed to the independent C3 (dwellinghouse) use, as proposed. It is therefore with a high degree of confidence that it is concluded that the proposed development represents the optimum viable use of the listed building which would secure its long term conservation with the least amount of harm possible.
- 23.16 Having regard to paragraph 48 of the NPPF (see paragraph 6.4) and the statutory duty, and applying the appropriate weight to the aforementioned issues, it is considered that the enabling development case attracts very considerable and overriding weight in the

context of the other considerations in this planning balance. It is therefore considered that, on balance, the application be recommended for approval.

24. Legal agreement heads of terms

24.1 Given that the proposal is a proven enabling development case the legal agreement will need to secure the benefits. The legal agreement should also seek an employment strategy to secure local staff, and also a landscape retention strategy based on the landscaping scheme to be secured through the planning conditions. This landscaping retention gives an extra level of protection and legal standing. The following comprises the heads of terms, and the exact wording will be developed in conjunction with the Council's planning and legal teams and the applicant:

1. Restrictions upon development/use

a) An agreement ensuring the repair works to the house are carried out before the enabling development commences.

This is the ideal situation. However, the developer may want to mitigate risks, therefore an effective compromise can be the following:

(b) An agreement requiring phased repair of the house linked to stages in the realisation of the enabling development, rather than on its completion.

A schedule of phased enabling works, and repair works, would need to be agreed, these should be listed in a schedule attached to the S106. The phases should be undertaken in a logical sequence, beginning with repairs to the main structure and external envelope of the house, so that clear benefits can be achieved even if the development is aborted. The phasing should ensure that once a defined phase of repair works have been completed, the first phase of enabling development may proceed, with subsequent development phases scheduled to follow the delivery of subsequent benefits. The benefits should always be a step ahead of the detriment (i.e. the enabling development).

Possible phased stages of the enabling development could include:

1. 2no. Detached dwellings
2. Extension to the west of The Grotto
3. Leisure facility and spa building
4. 6no. Detached lodges
5. Boathouse

Agreement requiring that the use hereby approved / occupation of the dwellings shall not commence until the agreed benefits have materialised:

- no dwelling within Phase (?) shall be occupied until Phase (?) Repairs (next Phase of repairs) have been completed to the written satisfaction of the Council.
- the use of the lodges/leisure facility/boathouse/extension within Phase (?) shall not commence until Phase (?) Repairs have been completed.

2. Time limit for carrying out repairs

The owner hereby agrees that it will within 14 days of:

- (a) the occupation of any dwelling within Phase (?); or
- (b) commencement of use within Phase (?)

commence the Phase (?) Repairs and will use reasonable endeavours to complete the same to the reasonable satisfaction of the Council within [weeks/months] of their commencement.

3. Notification in writing of dates of the following:

- Implementation of planning permission
- Practical completion of each phase (if a phased development is agreed)
- Commencement of each Phase of the Repairs and estimated duration of those works (if a phased repair schedule is agreed)

4. Management Plan

Before implementing the planning permission the owner shall have agreed in writing with the Council the terms of a Management Plan. The purpose of such an obligation would be to secure the long-term maintenance of the building and surrounding landscape that forms the subject matter of the enabling development to which the planning agreement relates. This legal form of management plan is not synonymous with a conservation management plan, but Historic England advise that if the latter has been prepared, the management plan will normally incorporate its relevant management provisions. A CMP can therefore form the background to the Management Plan.

5. Employment skills plan

Before implementing the planning permission the owner shall provide the Council with an Employment and Skills Plan to identify and promote employment opportunities generated by the development, in conjunction with the appropriate bodies (e.g. Job Centre); to target West Berkshire and Basildon ward (to be agreed) based workforces; seek to secure an apprenticeship scheme; and include a timetable for implementation. To implement the employment and skills plan, and provide a monitoring schedule.

6. Landscape retention and management plan

To be agreed. In association with the landscaping scheme and landscaping management plan to be agreed by conditions x and x of the accompanying planning permission. The plan should ensure that riverside vegetation be retained and managed in perpetuity. No trees or other vegetation shall be removed without the written authority of West Berkshire Council, unless for routine maintenance. The plan shall be submitted prior to the first use of the two residential properties.

25. Recommendation

To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions, and the **completion of a Section 106 legal agreement** within three months of the date of this permission (or a longer period of time agreed by the Head of Development and Planning in consultation with the Chairman/Vice Chairman of the Eastern Area Planning Committee and Ward Member).

Or, if the S106 legal agreement is not completed within the above timeframe, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION** for failure to secure the Heads of Terms detailed in Section 24 of this report.

1. Time limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Plans approved

The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- (i) 1503_3100 (location plan) and 1503_3222 (Spa elevations and sections) received on 1/01/2017;
- (ii) 1503_3228 and 3219 (boathouse elevations and floor plans) received on 02/02/2017;
- (iii) 1503_3105 P2 (site plan proposed), 1503_3210 P1 (hotel spa and lodges lower ground floor plan), 1503_3211 P1 (hotel spa and lodges ground floor plan), 1503_3213 P1 (hotel spa and lodges first floor plan), 1503_3214 P1 (hotel spa and lodges roof plan), 1503_3215 P1 (houses lower ground floor plan), 1503_3216 P1 (houses ground floor plan), 1503_3217 P1 (houses first floor plan), 1503_3217 P1 (houses roof plan), 1503_3220 P1 (hotel and spa north and south elevations), 1503_3221 P1 (hotel and spa east and west elevations), 1503_3224 P1 (lodges north and south elevations), 1503_3227 P1 (houses typical elevations), 1503_3230 P1 (hotel sections AA & BB), and 1503_3231 P1 (hotel sections CC) received 21st November 2018.

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

3 Hotel and lodges C1 use

The Grotto building with extensions and the lodges hereby permitted shall be used solely as a hotel use and for no other purpose including any other purpose in Class C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an order revoking and re-enacting that Order, with or without modification).

Reason: Any other use may not be acceptable on the site, given the particular case made for the hotel development on this site, and the sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, ADPP5, CS10, CS11, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

4 Hotel number of bedrooms restricted to 53

The number of bedrooms within the hotel shall be limited to 53, unless permission has been granted on an application made for that purpose.

Reason: Given the particular case made for a boutique hotel, highway and parking Impacts, and the character of the area and the Areas of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, ADPP5, CS10, CS11, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006 -2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

5 Materials (houses)

No development of the residential dwellings shall take place until a schedule of the materials to be used in the construction of the external surfaces of the two dwellings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

6 Materials (hotel, extension, lodges, coach house extension, spa, boathouse)

No development of the conversion of the hotel, extensions (including coach house extension), spa, lodges and boathouse shall take place until a schedule of the materials to be used in the construction of the external surfaces of the two dwellings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

7 Lighting scheme

No development (of either the residential dwellings or the works to the Grotto) shall take place until details of the external lighting to be used across the site (for the residential dwellings, in the car parking areas, to the Grotto building, to the extensions, to the lodges, to the spa, to the tennis courts, to the boathouse, and within the grounds hereby permitted) have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings, including the residential dwellings hereby permitted are occupied, or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. No external lighting shall be installed except for that expressly

authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development and to protect the character of the area, and in consideration of the ecological value of the site. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8 Ground levels

No development shall take place until details of the finished floor and ground levels of the dwellings, coach house extension, spa, lodges and car parking areas hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure the ground levels are appropriate on site, taking into account the site's sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

9 Boundary treatment

Should any new or replacement fencing or other means of enclosure be proposed no development shall commence on site until details of all fencing and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include a schedule of materials and drawings demonstrating the layout of the means of enclosure. Thereafter, and where appropriate, the hotel and dwellings shall not be first brought into use until the fencing and other means of enclosure have been erected in accordance with the approved details.

Reason: Fencing can have a significant impact upon the rural and historic character of the site and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

10 Landscaping scheme

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting

season following completion of development.

- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping, to aid in softening the impact of development in this sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

11 Landscape management scheme

No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

12 Tree protection scheme

No development or other operations (including site clearance and any other preparatory works) shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, to be in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

13 Tree protection – construction precautions

No development or other operations shall take place until details of the proposed

access, hard surfacing, drainage, soakaways and services providing for the protection of the root zones of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

14 Arboricultural method statement

No development, site clearance and/or other preparatory works shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

15 Arboricultural supervision

No development or other operations (including site clearance, demolition and any other preparatory works) shall take place until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

16 Parking/turning in accordance with plans (hotel use)

The hotel shall not be brought into use until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17 Access construction

The hotel shall not be brought into use until the proposed access onto the public highway has been constructed in accordance with the approved drawings.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

18 Passing places

The hotel shall not be brought into use until the passing places proposed within the access have been constructed in accordance with the approved drawings.

Reason: In the interest of road safety, to avoid conflict between users of the hotel and facilities. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

19 S278 highway works

The hotel shall not be brought into use until the following highway works have been completed:

- a. Provision of new access onto the A329 as shown on drawing GA008 Rev A
- b. Closure of existing access onto the A329 with reinstatement of verge
- c. Any associated works

The works shall be completed under a section 278 Agreement of the Highways Act 1980 or other appropriate mechanism

Reason: In the interest of road safety and to achieve the necessary visibility splays for the use of the road from the A329 by hotel users. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

20 Travel plan

No development relating to the hotel use shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the hotel 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.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS10, CS14 and CS15 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

21 Cycle parking

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

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

22 Ecology – protective fencing

No development or site works shall commence until protective fencing has been erected at the boundary of the retained habitat area. This boundary must include any root protection area as identified within the arboricultural report (ACD Arboriculture 2014 and 2014b). This must include a standoff zone of at least 5 metres for all vehicles. Constriction vehicles will make use of existing hard standing areas where possible to protect these areas from root compaction.

Reason: In response to the loss of the meadow grassland and to protect the remaining habitat areas. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

23 Ecology – Reptile receptor sites

No development or site works shall commence until the reptile receptor sites identified in Appendices L and N of the PV Ecology Phase II Bat and Reptile Report have been put in place and surrounded by suitable reptile fencing.

Reason: In response to the loss of the meadow grassland and to protect the remaining habitat areas. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

24 Habitat Enhancement and Management Plan

No development or site works shall commence until a Habitat Enhancement and Management Plan (HEMP) has been submitted to and approved in writing by the Local Planning Authority. This should detail the planting, enhancement and long-term management of the site that will mitigate for the loss of any habitats with existing value to wildlife.

Reason: To protect and enhance biodiversity features on site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

25 SuDS

The development hereby permitted shall not be brought into use and no dwelling hereby permitted shall be occupied until the sustainable drainage measures identified in the Flood Risk Assessment by Glanville have been provided in accordance with the approved details. The sustainable drainage measures shall be maintained in the approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design – Part 4 Sustainable Design Techniques (June 2006).

26 Works adjacent to river

No development shall commence on the boathouse until a landscape and ecological management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas within 10 metres of the top of the river bank has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape management plan shall be implemented in full in conjunction with the construction of the boathouse element only.

The scheme shall include the following elements:

- clear identification of the areas of river bank that are to be returned to a natural state and/or enhanced. This should include a clear statement and drawings relating to the length of river bank to be enhanced for biodiversity;
- The naturalised banks should include a thick margin of natural vegetation left to develop rather than be mown as a formal landscaped edge;
- The banks should slope down gently to the waters edge and be planted with suitable wetland species;
- The existing mooring platforms downstream of the proposed boathouse and its associated moorings (should they still be in place) shall be removed within three months of the first use of the boathouse.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

27 Boathouse voids

No development shall commence on the boathouse until drawings illustrating the insertion of voids within the walls of the boat house have been submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To allow the free flow of water through the building during a flood. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

28 No amplified music

No amplified or other music shall be played from the external area surrounding the hotel, unless permission has been granted in writing by the Local Planning Authority in respect of a planning application.

Reason: To safeguard the amenities of surrounding occupiers, and in respect of the existing tranquillity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

29 PD rights for houses

Notwithstanding the provisions of Article 3 of the Town and Country Planning

(General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out on the two dwellings hereby approved, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: The two dwellings have been approved under exceptional circumstances, and further development should be considered in full by the Local Planning Authority, given the dwellings' location within the North Wessex Downs Area of Outstanding Natural Beauty, adjacent to the Chilterns Area of Outstanding Natural Beauty, and within the setting of a Grade II listed building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP4, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

30 Unexpected contamination

Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority (LPA) immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried out to agreed timescales and approved by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development.

Reason: In order to protect the amenities of proposed occupants and users of the application site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

31 Protection from external noise

No development on the two residential dwellings shall commence until details of a scheme of works, for protecting the occupiers of the development from externally generated noise, shall be submitted to and approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed before the dwellings are first brought into use.

Reason: In order to protect the amenities of proposed residents of the Dwellings. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

32 Design criteria for noise from new plant

Noise resulting from the use of new plant such as mechanical ventilation units, extract systems, air source heat pumps, air conditioning units etc shall meet the design criteria detailed in paragraph 7.6 of the Noise Impact Assessment by Ian Sharland, ref M3796, dated 12 January 2017.

Reason: In the interests of the amenity of neighbouring residents (including those of the two new dwellings). This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan

1991- 2006 (Saved Policies 2007).

33 Archaeology

No site works or development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

34 Hours of construction

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

7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

35 Hours of deliveries

No deliveries shall be taken at the site outside the following hours:

7:30am to 6:00pm Mondays to Fridays;
8:30 am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

36 Construction Management Plan

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials used in constructing the development;
- (d) Wheel washing facilities;
- (e) Measures to control the emission of dust and dirt during construction;
- (f) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

Reason: To safeguard the amenity of adjoining land uses and occupiers, in the

interests of highway safety, and to ensure construction related features do not have adverse impact on the grounds of the listed building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

37 Water Supply

No development shall commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS5 of the West Berkshire Core Strategy (2006-2026).

INFORMATIVES

1 Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Engaged with specialist advisors to assess the enabling development case and the impact on the Areas of Outstanding Natural Beauty.
- c) Negotiated amended plans to limit the harm to the setting of the listed building and AONBs.

2 Tie to LBC

The planning permission will need to be undertaken in conjunction with a Listed Building Consent, which is yet to be determined.

3 EA Water resources

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the National Customer Contact Centre on 0870 8500 250 for further details.

4 EA permit

The developer shall ensure the correct permits are obtained from the Environment Agency in relation to the boathouse, inlet and any other works to the riverside.

5 Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a

suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

6 Thames Water

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

7 Thames Water

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

8 Thames Water

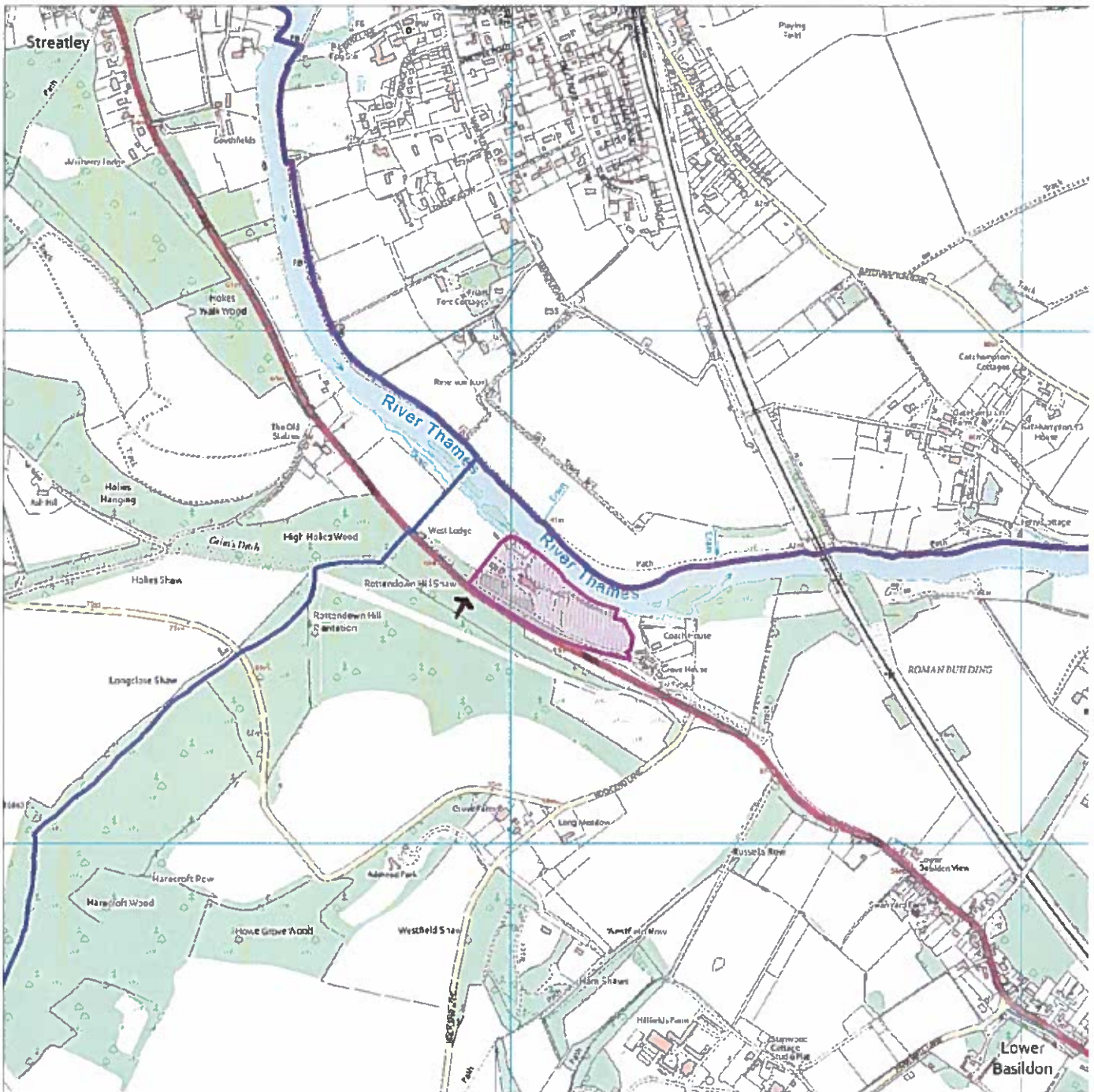
Any property involving a swimming pool with a volume exceeding 10 cubic metres of water will need metering. The Applicant should contact Thames water on 0800 316 9800.

9 Construction/demolition

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

17/00186/COMIND

The Grotto, Lower Basildon, Reading RG8 9NE

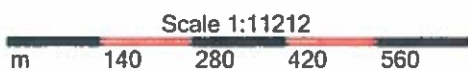


Map Centre Coordinates :

Scale : 1:11212

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	06 December 2018
SLA Number	0100024151

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Agenda Item 4.(2)

Item No.	Application No. and Parish	8 Week Date	Proposal, Location, Applicant
(2)	18/02512/HOUSE Bradfield	13 November 2018 ¹	Two-bay garage to front of property (Section 73 application to vary Condition 1 of Planning Permission 17/01646/HOUSE). Pightles, Tutts Clump, Reading, Berkshire, RG7 6JU Chris Newman and Lindsey McNeil

¹ Extension of time agreed with applicant until 21st December 2018

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/02512/HOUSE>

Recommendation Summary:	To DELEGATE to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions
Ward Member:	Councillor Quentin Webb Councillor Graham Pask
Reason for Committee Determination:	Call-in by Councillor Webb
Committee Site Visit:	12 th December 2018

Contact Officer Details	
Name:	Bob Dray
Job Title:	Team Leader (Development Control)
Tel No:	01635 519111
Email:	bob.dray@westberks.gov.uk

1. INTRODUCTION

- 1.1 This application is made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 1 on approved Planning Permission 17/01646/HOUSE. The approved development is a two-bay garage to the front of the property.
- 1.2 Following a series of planning permissions, which are detailed in Section 2 of this report, a garage building is permitted within the frontage of Pightles. The garage building has now been constructed. Figures 1 to 3 show the latest approved plans for the garage building. Separate planning permission has also been granted to raise the ridge height of the house roof in conjunction with loft conversion and new velux windows, new front gable extension, (existing) garage conversion, and a replacement workshop to the rear. Figures 4 and 5 illustrate this associated development to provide some additional context to this application.

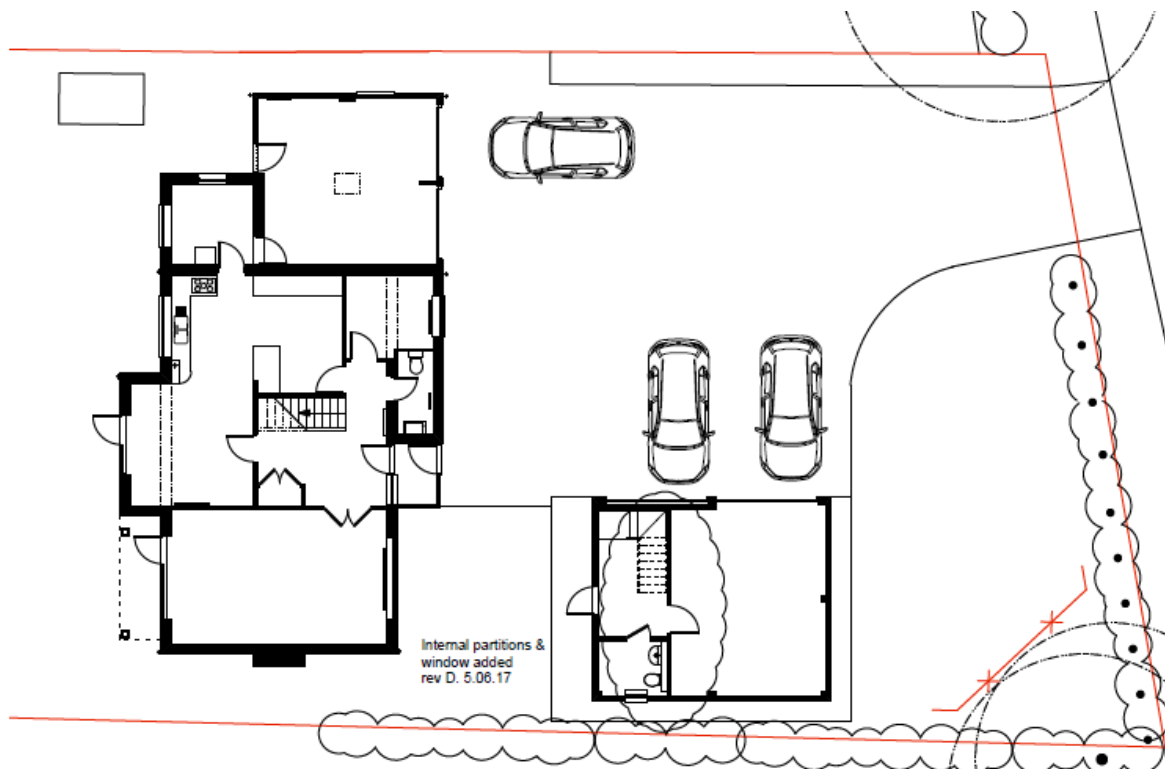


Figure 1: Latest approved site plan for garage building (17/01646/HOUSE)

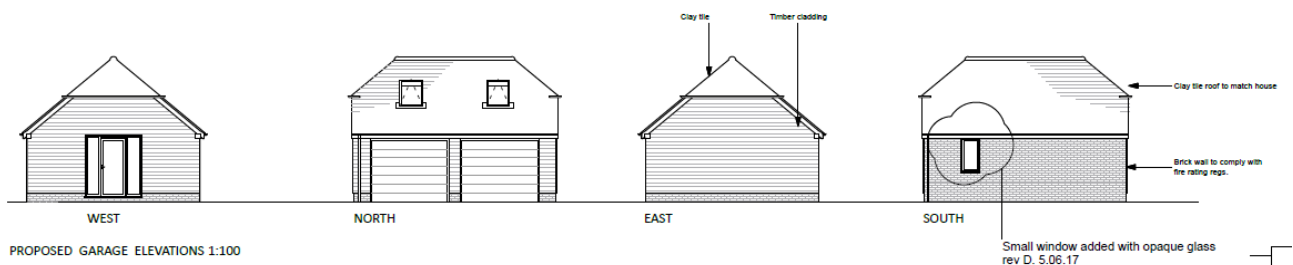


Figure 2: Latest approved elevations for garage building (17/01646/HOUSE)

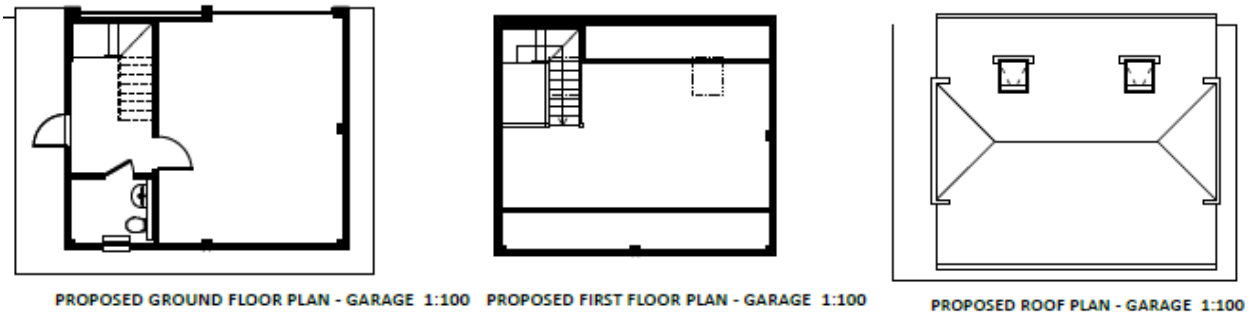


Figure 3: Latest approved floor plans for garage building (17/01646/HOUSE)



Figure 4: Latest approved front elevation for extensions to house (18/02443/HOUSE)

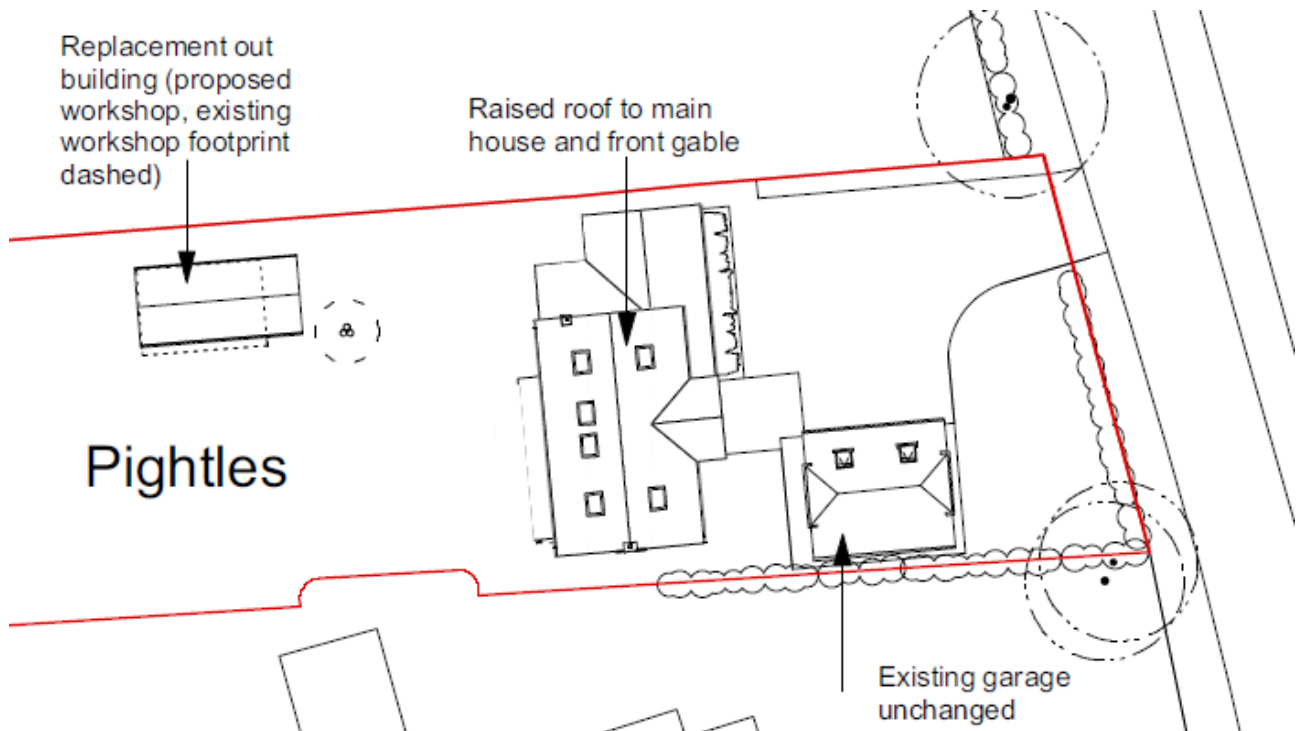


Figure 5: Latest approved block plan for house extensions (18/02443/HOUSE)

1.3 Condition 1 (to which this application relates) states:

“The garage building hereby permitted shall be used solely for purposes ancillary to the use of the existing dwellinghouse. It shall not be used for additional bedroom accommodation or for any form of human habitation.”

1.4 This application seeks the variation of this condition so that it reads:

“The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Pightles.”

2. PLANNING HISTORY

2.1 There have been a series of planning applications which are relevant to this development, which are listed below.

Application	Details	Decision
15/03071/HOUSE	Raised ridge height to house roof in conjunction with loft conversion and new Velux windows, new front gable extension, garage conversion, addition of a detached car port to the front and replacement workshop to the rear.	Granted planning permission 19/02/2016
16/01472/HOUSE	Two-bay garage to front of property.	Granted planning permission 22/07/2016
16/02678/NONMAT	Addition of two small Velux windows to the north (front) elevation of the proposed garage granted planning permission by application reference 16/01472/HOUSE	Non-material amendment approved 27/10/2016
16/03470/COND1	Application for approval of details reserved by condition (3) samples of timber cladding of approved application 16/01472/HOUSE - Two-bay garage to front of property	Materials approved 15/02/2017
17/01646/HOUSE	Section 73a: Variation of Condition 2 'Approved plans', Condition 3 'Timber cladding and garage doors', Condition 4 'Bricks and Tiles to match' and Condition 5 'Garage to be retained for garage accommodation' of previously approved application 16/01472/HOUSE: Two-bay garage to front of property.	Granted planning permission 22/09/2017
18/02443/HOUSE	Replacement of planning permission 15/03071/HOUSE, raised ridge height to house roof in conjunction with loft conversion and new velux windows, new front gable extension, garage conversion, replacement workshop to the rear, in order to extend the time limit for implementation	Granted planning permission 28/11/2018

3. PROCEDURAL MATTERS

3.1 Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 A site notice was displayed on a fence at the application site on 12th October 2018. The deadline for representations expired on 2nd November 2018.

4. CONSULTATION

4.1 Statutory and Non-Statutory Consultations

Consultee	Response
Bradfield Parish Council:	OBJECT: Garage not suitable for conversion in the countryside.
Natural England:	Natural England currently has no comment to make on the variation of condition 1.
North Wessex Downs AONB:	No response.
WBC Highways Authority:	Provided the garage is tied to the existing dwelling I am satisfied that sufficient driveway parking is proposed and I would raise no highway objections.
WBC Tree Officer:	I have no objection to the application, as it's a change of use, which will have no further impact on trees or hedges. <i>[Planning Officer Note: this application does not seek a "change of use", but it is understood that this no objection is made on the basis that no physical changes are proposed.]</i>
WBC Ecology:	No response.

4.2 Public representations

4.2.1 No public representations received.

5. PLANNING POLICY

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan for West Berkshire are relevant to this application:

- West Berkshire Core Strategy 2006-2026 (WBCS):
Policies: ADPP1, ADPP5, CS1, CS13, CS14, CS19
- Housing Site Allocations Development Plan Document (HSA DPD):
Policies: C1, P1
- West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (WBDLP):
Policies: OVS.6, TRANS.1

5.2 The following documents are material considerations which are relevant to this application:

- National Planning Policy Framework (July 2018) (NPPF)
- Planning Practice Guidance (PPG)
- Annex A of Circular 11/95
- House Extensions SPG (2004)
- Quality Design SPD (2006)

6. APPRAISAL

6.1 Legal and policy context

- 6.1.1 Under a Section 73 application, the local planning authority should consider only the question of the conditions subject to which planning permission should be granted. If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they should grant planning permission accordingly; whereas if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
- 6.1.2 Paragraph 55 of the National Planning Policy Framework states *“Planning conditions should only be imposed where they are:*
- 1. necessary;*
 - 2. relevant to planning and;*
 - 3. to the development to be permitted;*
 - 4. enforceable;*
 - 5. precise; and*
 - 6. reasonable in all other respects.”*

6.1.3 This policy requirement above is commonly referred to as the six tests. The covering letter to this application purports that the current condition fails the tests of necessity, relevance to the development permitted, enforceability and precision. The relevance to planning is not challenged (the use of a building is clearly relevant to planning).

6.1.4 In terms of precision and enforceability, the application submissions argue that the phrase “human habitation” has no standing in planning. A search of appeal decisions nationwide reveals that this phrase has frequent use in planning decision letters (albeit often in relation to the stationing of caravans). Moreover, the Collins Dictionary defines “habitation” as “the activity of living somewhere”. The additional clause within the condition preventing the building being used for additional bedroom accommodation further clarifies the current restricted use. The Pangbourne Lodge appeal decision letter (referred to by the applicant) does not take issue with the phrase “human habitation” in terms of its precision or enforceability. It is therefore considered that the proposed condition is sufficiently enforceable and precise. Nonetheless, the necessity of the condition and its relevance to the development permitted is considered in Section 6.2.

6.2 Necessity and relevance of the current condition

- 6.2.1 The main issue is considered to be whether the condition is necessary to make the development acceptable and whether it is relevant to this development. The stated reason for the condition on the decision notice of 17/01646/HOUSE is *“in the interests of amenity and the creation of a separate unit would be unacceptable in the interest of ensuring a sustainable pattern of development”*.
- 6.2.2 The application submissions argue that *“even though the site is outside a settlement boundary, due to the existing property on the site, it can be considered that the site is a settlement in and of itself.”* However, the presence of the existing property does not alter the fact that the application site is located outside of any of the defined settlement boundaries. Nonetheless, this is a moot point as the physical freestanding building which now occupies land at the front of the property benefits from planning permission.
- 6.2.3 It is recognised that there has been a series of planning applications at the property, with incremental changes to the proposal. This has included the evolution of a detached outbuilding in this location; firstly as a car port, then as a garage. The insertion of windows

was then approved as a non-material amendment, and a restriction to use solely for garage accommodation has also been relaxed.

- 6.2.4 Although the manner of accommodation is currently restricted, the physical structure of the building is already authorised. As such, a case cannot be substantiated that the physical presence of the building is unacceptable. Similarly, advice in the House Extensions SPG regarding the impact of garages to the front of properties is not relevant to the use of this authorised building.
- 6.2.5 The focus of considerations on this application must therefore be on the use of the outbuilding. Any residual concerns relating to the siting, size, scale, design or appearance of the building are very unlikely to amount to a reason for refusing this application.
- 6.2.6 It appears that the primary concern with the garage building, maintained by the Parish Council, is the manner of domestic occupation of the garage that would be possible with a relaxed condition. The following potential adverse impacts are typically capable of arising from the use of any residential outbuilding:
1. Subdivision of the residential use.
 2. Introduction of a separate commercial use within the building.
 3. The loss of on-site parking resulting in adverse impacts to highway safety.
 4. A material increase in noise and disturbance resulting in an adverse effect on local amenity, especially the living conditions of neighbouring dwellings.

Subdivision or a separate commercial use

- 6.2.7 The subdivision of the residential use of Pightles would result in the introduction of a new dwelling within the open countryside of the AONB, contrary to the housing supply policies of the development plan (ADPP1, ADPP5, CS1, C1). Similarly, the introduction of a separate commercial use within the building would be contrary to the relevant policies of the development plan in this location (ADPP1, ADPP5, CS9, CS10). A commercial use would, in its own right, appear out of keeping with the residential character of the area, and would potentially result in additional traffic movements around Tutts Clump to the further detriment of the residential character of the area, and in addition to the amenity of local residents.
- 6.2.8 There is some merit to the argument within the application submission that a material change of use may occur if the building were used for purposes not ancillary to the main house, and this would need planning permission in its own right. However, for technical legal reasons¹, this is not always the case. As such, conditions limiting the use of buildings to purposes ancillary or incidental to the use of the main house are frequently imposed by local planning authorities and planning inspectors, particularly where there is a degree of separation between the main and ancillary buildings which may lend the buildings to subdivision.
- 6.2.9 The House Extensions SPG advises that an extension forming ancillary accommodation should be of comparatively modest size, and integrated in design with the main house. The SPG encourages linking such accommodation to the main dwelling, although it does not preclude a separate entrance. It states that the accommodation should be designed in such a manner as to easily enable it to be later used as an integral part of the main dwelling. The SPG attracts some weight in this decision, but it is not considered that it provides a substantive reason on its own for refusing this specific application. The amount

¹ Planning permission is required for a “material change of use”. Not every change in use will be “material” for planning purposes. For a material change of use to have occurred the new activity must be substantially different from that which preceded it (e.g. in terms of a change in the character of the use itself, including the land where it is located; and/or effects of the change upon neighbouring uses and the locality). As such, minor or incremental changes of use may not require planning permission. Hence a condition limiting the extent of future use may be justified.

of ancillary accommodation within the outbuilding is considered proportionate and subservient to the main house, and it well-related to the main house within its frontage.

- 6.2.10 Given the siting and size of the building it is considered unlikely – but, with some internal reconfiguration, conceivable – that it could be adapted to provide a level of accommodation which constitutes a separate self-contained unit which would not be ancillary to the main house, or be capable of accommodating a separate commercial use. A condition limiting future use is therefore justified in principle.

Parking

- 6.2.11 Given the size of the curtilage and the space available to park the occupants' vehicles off-road, the proposed building is not required as garage accommodation to comply with the residential parking standards set out in Policy P1 of the HSA DPD. In any event the policy does not count garages because they are often not used for parking.

Noise and disturbance

- 6.2.12 With any detached domestic outbuilding there will inevitably be movement of people between that building and the main house, the level of which may vary by occupant but rarely will such movement have an adverse effect on neighbouring amenity.
- 6.2.13 The applicant's proposed condition would allow the garage to be used for any purpose ancillary to the residential use of the main property. This could, for example, include purposes such as any additional ancillary living accommodation (bedrooms, living room, home office, occasional guest accommodation), or any other purpose incidental to the main house (e.g. storage, games room). It is increasingly commonplace for ancillary accommodation to be included within domestic garages and garden buildings, and doing so does not normally amount to "development".
- 6.2.14 The building is of permanent construction and building regulations would apply if used for human habitation, which ensures a minimum level of insulation which will attenuate most day-to-day noise that may occur internally. Unreasonably excessive and persistent domestic noise that is harmful to the wellbeing of neighbouring occupants may amount to a statutory nuisance under the Environmental Protection Act 1990, just the same as if such noise originated from the main house, and could therefore be enforced by Environmental Health. The planning system does not need to duplicate such controls.

Conclusions on necessity and relevance

- 6.2.15 Taking into consideration all of the above, it is considered that there are no substantive reasons to restrict the use of the garage building by condition in terms of parking levels or potential noise and disturbance.
- 6.2.16 However, the fact that the application was made under the Householder regime would not limit the extent of its future use. In this case, with the size of the building and its physical detachment from the main house, it is considered necessary to retain the restriction in the disputed condition limiting the use of the building to purposes ancillary to the residential use of Pightles.
- 6.2.17 This restriction alone would prevent residential subdivision or any separate commercial use of the building, so there is no need for that to be separately specified. Restricting human habitation or additional bedroom accommodation is not justified and cannot be sustained in this case.

6.3 Recommended conditions

- 6.3.1 The application proposes a condition which simply seeks to limit the future use of the building to purposes ancillary to the residential use of Pightles.
- 6.3.2 Annex A of former Circular 11/95 contains model conditions, which are still relevant despite the replacement of the Circular, as they are still referred to by the PPG. The “annex” condition is frequently used and adapted by local planning authorities and planning inspectors to prevent limit the future use of buildings to purposes ancillary to residential use of a dwelling. This is the condition sought by the applicant.
- 6.3.3 In this case, the restriction imposed by this model condition is considered a sufficient restriction to protect local amenity, without placing unnecessary or unreasonable limitations of the use of the building.
- 6.3.4 Consideration has been given to whether permitting the garage building to be used for any purpose ancillary to the main house would have any inadvertent additional adverse impacts, and therefore whether any further or alternative restrictions would become necessary if this application were approved.
- 6.3.5 With the proliferation of a working from home culture and self-employment, it is increasingly the case that limited business activities may take place incidental to the use of a dwellinghouse and without causing material harm to surroundings, for example an occupant working on a home computer. As such, outright restrictions on trade and business are not necessary and are arguably unreasonable to place on a dwellinghouse. Nonetheless, a material change of use for business purposes would still require planning permission and as stated in paragraph 6.2.17 the proposed condition would provide a sufficient safeguard.
- 6.3.6 The “creation of a separate planning unit” or the “creation of a separate curtilage” are symptomatic of a material change of use having occurred. As such, specific additional restrictions within the condition along these lines are superfluous and unnecessary.
- 6.3.7 If this garage building is permitted to be allowed for any ancillary purpose, including human habitation, there would be an increased likelihood that the owner/occupants may wish to insert additional windows and/or openings to increase natural light and improve the internal living conditions. Given the siting of the building in relation to the neighbour, inappropriately located windows within the southern elevation could cause harmful overlooking to the detriment of neighbouring privacy, or a proliferation of windows may result in an overbearing impact on neighbouring occupants due to an increased perception of overlooking. As such, an additional condition withdrawing permitted development rights for the insertion of additional windows or other openings in the southern elevation (including roof), is necessary to protect the amenity of neighbouring occupiers. It should be noted that this does not prevent the insertion of any additional windows being considered on their own merits under a subsequent householder planning application.

7. CONCLUSION

- 7.1 Whilst the current condition is considered to be relevant to planning and the development, and sufficiently enforceable and precise, following careful consideration of the implications of relaxing the condition it is concluded that the full terms of the current condition are not necessary to make the development acceptable, or therefore relevant to the development permitted.
- 7.2 Nevertheless, the fact that the application was made under the Householder regime would not limit the extent of its future use. In this case, with the size of the building and its physical detachment from the main house, it is considered necessary to retain a condition

limiting the future use of the building to purposes ancillary to the residential use of Pightles. However, the precise terms can be relaxed as proposed by the applicant without resulting in any of the adverse effects that may typically be associated with the use of a residential outbuilding.

- 7.3 Given the increased likelihood of the building being used for ancillary living accommodation following the relaxation of this condition, it is also considered necessary to also remove permitted development rights for additional windows in the southern elevation, which would directly overlook the neighbouring property.
- 7.4 The application is recommended for conditional approval in accordance with the above conclusions.

8. FULL RECOMMENDATION

To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions.

1. Ancillary use

The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Pightles.

Reason: To limit the future use of the building to prevent uses which would not be ancillary to the main dwelling. This condition is applied in the interests of ensuring a sustainable pattern of development, and safeguarding neighbouring and local amenity. This condition is applied in accordance with Policies ADPP1, ADPP5, CS1, CS13, CS14, CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C6 of the Housing Site Allocations DPD 2006-2026, and WBC House Extensions SPG (2004).

2. Removal of permitted development rights for windows on outbuilding

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed on the southern elevation or roof slope of the garage building hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent property, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

INFORMATIVES

1. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

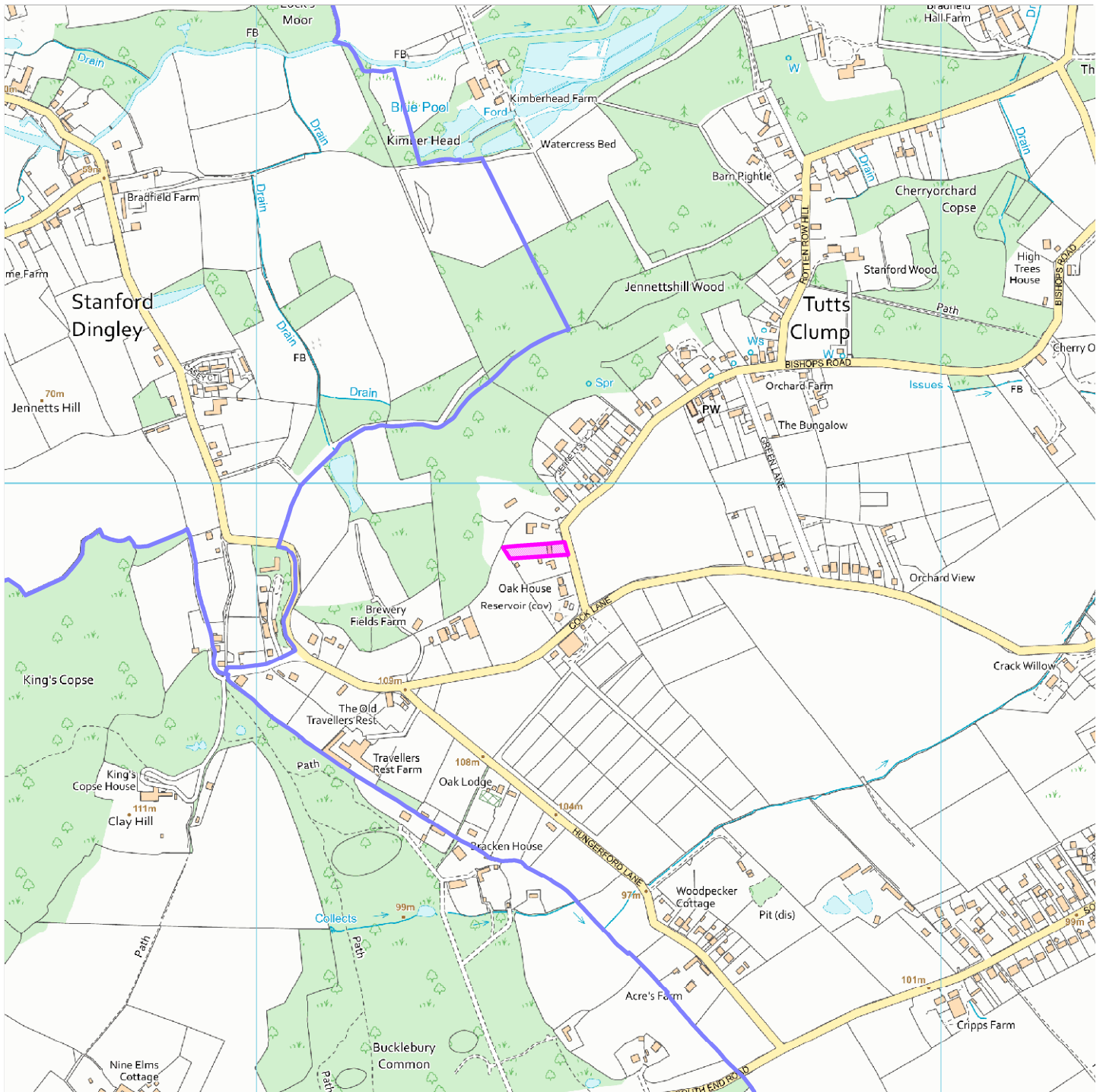
- a) Provided the applicant with a case officer as a single point of contact.

- b) Granted planning permission for a less onerous condition whilst ensure sufficient safeguards are retained for protecting local amenity and maintaining a sustainable pattern of development.

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18/02512/HOUSE

Pightles, Tutts Clump, Reading RG7 6JU



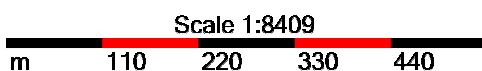
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	06 December 2018
SLA Number	0100024151



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Agenda Item 5.

APPEAL DECISIONS EASTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
TIDMARSH 18/00225/PACOU Pins Ref 3200825	Unit 1 South Of The Rancher Tidmarsh Manor Farm (Tidmarsh) Ltd	Change of use of Unit 1 from B1c to C3 dwelling house	Delegated Refusal	Dismissed 20.11.18
TIDMARSH 18/00151/PACOU Pins Ref 3200895	Unit 2 South Of The Rancher Tidmarsh Manor Farm (Tidmarsh) Ltd	Change of use of Unit 2 from B1c to C3 dwelling house	Delegated Refusal	Dismissed 20.11.18
HERMITAGE 17/01144/FULEXT Pins Ref 3200575	Land at end of Charlotte Close Hermitage CALA Homes (Chiltern) Limited	Erection of 37 dwellings and associated landscape and highway works	Delegated Refusal	Dismissed 3.12.18

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