

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 8 JANUARY 2020

Councillors Present: Owen Jeffery (Substitute) (In place of Royce Longton), Alan Law (Chairman), Tony Linden (Substitute) (In place of Joanne Stewart), Alan Macro, Geoff Mayes, Graham Pask and Andrew Williamson

Also Present: Sharon Armour (Solicitor), Michael Butler (Principal Planning Officer), Stephen Chard (Principal Policy Officer) and Bob Dray (Development Control Team Leader)

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Jeremy Cottam, Councillor Royce Longton and Councillor Joanne Stewart

PART I

33. Minutes

The Minutes of the meeting held on 20 November 2019 were approved as a true and correct record and signed by the Chairman.

The Minutes of the meeting held on 4 December 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Item 32(1) – 19/01063/COMIND – land south of Ravenswing Farm, Adjoining Aldermaston Road and Silchester Road, Tadley

Member Questions to the Agent (first paragraph, final sentence):

The Chairman felt that Councillor Macro's second question relating to the level of support was **not relevant** and stated that Mr Mitchell did not have to answer this question.

Member Questions to Officers (third paragraph, first sentence):

David Pearson (Development Control Team Leader) stated that if the application was approved with that condition then the Action Plan could be approved.

Conditions

Additional condition of approval:

24. Grampian Condition.

34. Declarations of Interest

There were no declarations of interest received.

35. Schedule of Planning Applications

(1) Application No. & Parish: 19/02490 - Land West of Hill Place, Bath Road, Woolhampton

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/02490/FUL in respect of a Section 73A application to vary conditions 3 and 12 to increase time limits on previously approved application 19/00031/FUL: Shed to be removed by 30/08/20. Dayrooms to be completed by 30/08/20. Retrospective application for the siting of two dayrooms, two mobile homes and two touring caravans for

EASTERN AREA PLANNING COMMITTEE - 8 JANUARY 2020 - MINUTES

occupation by Gypsies/Travellers. Creation of new access onto highway. Enclosure of site by fencing.

Michael Butler, Principal Planning Officer, introduced the report. He clarified that the original time limit for implementation of these two conditions was 30/11/19. This had not been complied with and this application was to extend the time limit until 30/08/20 (exactly one year post the decision).

The update report contained the formal consultation response from Network Rail. They had no objection to the deletion of condition 9 (externally generated noise from the rail line), and in addition did not object to the proposed revised timescales for the submission of details in relation to drainage and land stability. Their response stated that any damage which might occur on the application site would be the responsibility of the applicant.

Mr Butler highlighted the correction in the update report to paragraph 6.19 of the report. The Community Infrastructure Levy (CIL) charge should read as approximately £9,000 and not £6,000. However, it had been indicated by the applicant that it might prove financially difficult to pay this charge.

Advice contained in the Ministry of Housing, Communities and Local Government's (MHCLG) Planning Policy for Traveller Sites, a national policy that sat alongside the National Planning Policy Framework (NPPF), stated that in relation to gypsy/traveller accommodation the personal circumstances of the applicant could be taken into account, including financial matters. This was therefore a material factor to be taken into account by the Committee.

The application was recommended for conditional planning permission.

Mr Butler concluded his presentation by stating the view that, subject to approval, if these conditions were not complied with then it was very unlikely that any further application would be considered favourably. If there was non-compliance then enforcement action would be taken.

In accordance with the Council's Constitution, Mr Tony Renouf, Parish Council representative, Mr Spencer Copping, agent, and Councillor Graham Pask, Ward Member, addressed the Committee on this application.

Parish Council Representation:

Mr Renouf in addressing the Committee raised the following points:

- Woolhampton Parish Council considered the proposal in October 2019 and at that time objected to the application. This was based on the fact that the applicant was originally seeking to vary condition 3 to allow three years from the grant of permission to complete the dayrooms.
- However, the changes that had since been made to reduce this timeframe meant that the Parish Council's objection was no longer valid and was therefore withdrawn.
- The Parish was hopeful that the applicant would abide by all of the planning conditions. Mr Renouf particularly highlighted conditions 2, 6 and 12. He would like assurance that adherence to conditions would be enforced if necessary.
- Mr Renouf queried how condition 5 (site not to be occupied at any time other than by gypsies and travellers) would be secured.
- The Parish Council assumed that no construction would take place until condition 10 had been implemented – the site investigation.

EASTERN AREA PLANNING COMMITTEE - 8 JANUARY 2020 - MINUTES

The Chairman clarified that Woolhampton Parish Council was no longer objecting to the application. They were however concerned in relation to adherence to conditions.

Agent Representation:

Mr Copping in addressing the Committee raised the following points:

- He felt that the officer report covered the main points.
- However, he added that since the original application, the applicant had run into financial difficulties with developing the site. This had created issues with meeting conditions and had led to delays.
- Further time had been sought to complete the two specified areas and to make CIL payments. Mr Copping would be working closely with the applicant to ensure revised timescales were met.
- The Network Rail response in relation to condition 9 was welcomed as this helped with finances.
- Mr Copping requested that conditional planning permission be granted.

Member questions to the Agent:

In response to a question from Councillor Graham Pask, Mr Copping confirmed that land stability and sustainable drainage system (SuDS) requirements would be met.

Ward Member Representation:

Councillor Pask in addressing the Committee raised the following points:

- He called in the application as many of the conditions had not been complied with. Conditional planning permission was granted in August 2019 and the conditions were both necessary and reasonable.
- A concern locally, shared by himself, was in relation to needing transparency over infill works. This was of particular concern when considering the close proximity to the railway line.
- Councillor Pask drew attention to the photographs provided in the Planning Officer's presentation. He was concerned at the stability of the walled area.
- This was why Conditions 8 (submission of sustainable drainage measures) and 10 (site investigation to ensure land stability) were so important and must be adhered to. He hoped conditions would be adhered to if conditional permission was granted. The personal circumstances of the applicant were noted alongside this.

Member Questions to Officers

Councillor Owen Jeffery queried if it was necessary to refer to both gypsies and travellers in the report and conditions. Bob Dray, Development Control Team Leader, clarified that gypsies and travellers belonged within the same definition in the relevant legislation. The proposed condition text did not need to be changed.

Mr Butler then sought to respond to the concerns raised by the Parish Council and Councillor Pask. There was a sequential order to implementing the conditions. For example, Condition 10 was required to be completed within two months of the date of approval (if granted) and before construction of the dayrooms/their foundations could commence.

The potential for enforcement activity had also been raised. Mr Butler explained that the Council's Enforcement Officer was very knowledgeable about gypsy and traveller sites from previous experience. The site would be monitored and enforcement action taken if

EASTERN AREA PLANNING COMMITTEE - 8 JANUARY 2020 - MINUTES

this became necessary, i.e. if the site was not occupied by gypsies or travellers. The Parish Council could also raise any concerns with the Enforcement Officer.

Councillor Alan Law sought assurance that the applicant and agent were fully aware of the requirements of condition 10 and had accepted this condition. Mr Butler advised that verbal confirmation had today been received from the agent that the applicant was content with the conditions. He would also be seeking written confirmation.

Debate

Councillor Pask thanked officers for their negotiations on this application, i.e. limiting the extension of the deadline to 30/08/20 and not the originally requested 2022. He felt the proposed conditions to be reasonable.

Councillor Pask queried if action would be taken if land stability was deemed to be a problem. Mr Butler confirmed this was the case.

Councillor Pask proposed acceptance of the officer recommendation to grant planning permission. This was seconded by Councillor Tony Linden.

Councillor Alan Macro agreed that the timeframe could be extended. He felt that the timescales originally set for some of the conditions was extremely tight. However, he was disappointed that none of the site investigation or SuDS work had been undertaken.

Councillor Geoff Mayes commented that infill materials should have been specified and he queried whether this had been clarified. Mr Butler advised that, as an unauthorised site, there was no record of materials. However, this would be thoroughly assessed in accordance with condition 10 and samples would be analysed. Remediation works would be undertaken if found necessary.

RESOLVED that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

Conditions

1. The development must remain in accord with the as approved plans (all prefixed JOO3121): CD01-A, CD02-A, CDO3-C, and CDO4-.

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

2. At no time shall more than 2 mobile homes, 2 touring units and 2 day rooms be located on the application site.

Reason: Any increase in the number of caravans/ mobile homes/ day rooms on the site may amount to an overdevelopment. This would be contrary to Policy CS7 of the West Berkshire Core Strategy 2006-2026.

3. By the 30th August 2020, the applicant shall ensure that the development is completed in accordance with the revised block plan (number CD03-Rev C), including the two dayrooms. The landscape works for the western buffer shall be completed within the first planting season following the date of this decision. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To enhance the visual aspects of the site in accord with policy CS19 in the West Berkshire Core Strategy 2006-2026.

EASTERN AREA PLANNING COMMITTEE - 8 JANUARY 2020 - MINUTES

4. Within one month of the date of this permission, the vehicular access to the highway shall be constructed in accordance with the approved plans, including a bonded material across the entire width of the access for a distance of 3 metres measured back from the carriageway edge.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

5. The site hereby permitted shall not be occupied at any time other than by gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (MHCLG).

Reason: The special reasons for permitting this use must persist on site in accordance with policy CS7 in the West Berkshire Core Strategy 2006-2026.

6. No commercial use or activities shall take place on the red line application site at any time, including the storage of any materials. No vehicles over 3.5 tonnes shall be stationed, parked or stored on the application site.

Reason: The site lies adjacent dwellings; to introduce a B2/ B8 use would be harmful to amenity and not in accordance with the advice in the NPPF or Policy CS14 of the West Berkshire Core Strategy 2006-2026.

7. No external lighting shall be installed on the site at any time unless details have first been submitted to and approved in writing by the Local Planning Authority. Once approved the lighting must be erected in accordance with the approved details.

Reason: The site lies in the rural area where excessive additional lighting would be harmful, in accordance with paragraph 180 of the NPPF and Policy CS19 of the West Berkshire Core Strategy 2006-2026.

8. Within two months of the date of this permission, details of sustainable drainage measures to manage surface water within the site must be submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Include and be informed by a ground investigation survey which establishes the soil characteristics and groundwater levels to confirm the principles applied are feasible in practice;
- b) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- c) Include details of how the SuDS measures will be maintained and managed in perpetuity.

Once approved, these sustainable drainage measures shall be implemented in accordance with the approved details within a further 3 months of the date of that approval. 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; 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 applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

EASTERN AREA PLANNING COMMITTEE - 8 JANUARY 2020 - MINUTES

- 9. By the 30th August 2020, the unauthorised shed on the site shall be removed in its entirety from the application site.

Reason: In the interests of visual amenity, in accordance with the NPPF and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

- 10. Within two months from the date of this decision, a site investigation of the nature and extent of any land instability shall be carried out, in accordance with a methodology which shall have previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures within 3 months of the date of approval of the agreed scheme.

Reason: To ensure the site will not impact valued infrastructure in accord with Policy CS5 of the West Berkshire Core Strategy 2006-2026.

- 11. No surface water shall be discharged onto adjacent Network Rail land, and no soakaways, attenuation ponds or other drainage infrastructure shall be within 5 metres of the boundary to the adjacent railway land.

Reason: To protect valued infrastructure in accord with Policy CS5 of the West Berkshire Core Strategy 2006-2026.

- 12. The two day rooms hereby permitted shall only be used for purposes ancillary and/or incidental to the use of the two mobile homes hereby permitted on the site. The day rooms shall not be used as separate residential accommodation nor shall they be used to provide additional sleeping accommodation.

Reason: To ensure no overdevelopment of the site and to restrict new dwellings in the rural areas in accordance with Policies ADPP1, ADPP6 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

36. Site Visits

A date of 22 January 2020 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 29 January 2020. Councillor Andy Williamson gave his apologies for the site visit.

Councillor Graham Pask gave his apologies for the next Planning Committee. Councillor Tony Linden would be acting as his substitute.

(The meeting commenced at 6.30pm and closed at 7.10pm)

CHAIRMAN

Date of Signature