

Notice of Meeting



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Eastern Area Planning Committee Wednesday, 8th January, 2020 at 6.30 pm

in Calcot Centre, Highview (off Royal Avenue), Calcot, RG31 4XD

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, 31 December 2019

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



Agenda - Eastern Area Planning Committee to be held on Wednesday, 8 January 2020
(continued)

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 / charlene.hurd@westberks.gov.uk / jessica.bailiss@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 8 January 2020
(continued)

To: Councillors Peter Argyle, Jeremy Cottam, Alan Law (Chairman), Royce Longton (Vice-Chairman), Alan Macro, Geoff Mayes, Graham Pask, Joanne Stewart and Andrew Williamson

Substitutes: Councillors Gareth Hurley, Owen Jeffery, Nassar Kessell, Tony Linden, Ross Mackinnon and Keith Woodhams

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting.
 2. **Minutes** 5 - 40
To approve as a correct record the Minutes of the meeting of this Committee held on 20 November 2019 and 4 December 2019.
 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: 19/02490 - Land West of Hill Place, Bath Road, Woolhampton** 41 - 64
- Proposal:** Section 73A: Variation of 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 day rooms, two mobile homes and two touring caravans, for occupation by Gypsies/Travellers. Creation of new access onto highway. Enclosure of site by fencing.



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Location: Land West of Hill Place, Bath Road, Woolhampton,
Reading, Berkshire

Applicant: Tammy Black

Recommendation: The Head of Development and Planning be
authorised to **GRANT** planning permission

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.

Sarah Clarke
Head of Legal and Strategic Support

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



Agenda Item 2.

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 20 NOVEMBER 2019

Councillors Present: Jeremy Cottam, Gareth Hurley (Substitute) (In place of Peter Argyle), Alan Law (Chairman), Tony Linden (Substitute) (In place of Andrew Williamson), Royce Longton (Vice-Chairman), Ross Mackinnon (Substitute) (In place of Graham Pask), Alan Macro, Geoff Mayes and Joanne Stewart

Also Present: Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Michael Butler (Principal Planning Officer), Stephen Chard (Principal Policy Officer), Gareth Dowding (Acting Principal Engineer (Traffic and Road Safety)) and Bob Dray (Development Control Team Leader)

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Graham Pask and Councillor Andrew Williamson

PART I

26. Minutes

The Minutes of the meeting held on 30 October 2019 were approved as a true and correct record and signed by the Chairman.

27. Declarations of Interest

Councillor Gareth Hurley declared an interest in Agenda Item 4(1), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Tony Linden, Alan Macro and Jo Stewart declared an interest in Agenda Item 4(2), 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.

It was noted that all Members had received communication from Bellway Homes Limited in relation to Agenda Item 4(2). This was new information received within the past five working days and was therefore disregarded.

28. Schedule of Planning Applications

(1) Application No. & Parish: 18/01221/FULD - Land Adjoining 32 The Moors, Pangbourne

(Councillor Gareth Hurley declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was in attendance at the Pangbourne Parish Council meeting when this application was discussed. However, he confirmed that he would be considering the matter afresh at this meeting. 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.)

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The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/01221/FULD in respect of the construction of a new dwelling with associated parking and landscaping.

Mr Bob Dray, Development Control Team Leader, introduced the report and highlighted the following points:

- Essentially, Planning Officers were recommending refusal of the item on three grounds highlighted below.
 - In principle, the site was positioned outside of the settlement boundary.
 - Regarding flooding, although the Environment Agency had removed its technical objection to the scheme, a policy objection remained as the proposed development failed the sequential test.
 - The proposed development would have an adverse impact on the street scene and the current green space to the end of the characterful road.
- The update report included an additional consultation response from the Lead Local Flood Authority however, this did not affect the policy flooding objection.
- In conclusion, it was felt that any benefit from the scheme was outweighed by the highlighted conflicts and harm and therefore the application was recommended for refusal.

In accordance with the Council's Constitution, Mr John Higgs, Parish Council representative, Ms Sara Dutfield, agent and Councillor Gareth Hurley, Ward Member addressed the Committee on this application.

Parish Council Representation:

Mr Higgs in addressing the Committee raised the following points:

- Pangbourne Parish Council was concerned that the scheme was outside of the settlement boundary.
- The distance between the closest building on Greenway and the proposal was only 11 metres and in the Parish Council's view this should be no less than 21 metres.
- It was not felt that Appendix 1, which included the Design Statement for the application, accurately showed the building line for the site.

Member Questions to the Parish Council:

Councillor Alan Law noted in the Officer's report that no objection had been raised by the Parish Council and therefore asked Mr Higgs to clarify the position of the Parish Council. Mr Higgs stated that the Parish Council's decision about the application had been split for and against. Concerns had been raised about the scheme being outside of the settlement boundary and regarding the distance to the building opposite.

Agent's Representation:

Ms Dutfield in addressing the Committee raised the following points:

- Concerns had been raised about three areas including the principle of development, flooding and impact on the character of the area.
- There was no dispute that the site was positioned outside of the settlement boundary however, the nature of the surrounding land also needed to be taken into account, which included a Thames Water Plant.

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- The site was not in open countryside and was within walking distance of the facilities available at the centre of Pangbourne.
- Given the location it was felt that the principle of development was acceptable.
- Regarding flooding, Ms Duffield stated that there had been a delay in receiving information from the Environment Agency and some information provided had been inaccurate. The Environment Agency were now satisfied with the scheme and had no objection to the application being approved. Any issues raised by the Environment Agency should be included in conditions.
- It was confirmed that the proposed building was within a Flood Zone 1, which was very low flood risk. The land had not flooded in the last 12 years and the river had not broken its banks in that area, even during times of severe weather. Therefore it was considered that the scheme would not increase the flood risk, or increase the risk of flooding elsewhere in the area.
- The design of the property was modern, this was however not a reason to refuse the application.
- The siting and design would not have a detrimental impact on the area. The proposal would not increase flooding in the area and was in keeping with the character of the area. For these reasons it was not felt that the scheme would set a precedent.

Ward Member Representation:

Councillor Hurley in addressing the Committee raised the following points:

- He had attended the site visit and was familiar with the area.
- He did not see how the Committee could agree with a scheme that was outside of the settlement boundary without setting a precedent.
- Based on the information provided by Planning Officers, the negative impacts caused by the scheme would outweigh any benefits.
- He did not believe that there were any conditions included regarding the building phase of the application. Residents had raised concerns about this matter and therefore if the scheme was approved this would need to be included.

Member Questions to Officers:

Councillor Alan Macro asked Officers to highlight on the plans where the Thames Water Pumping Station was and Mr Dray confirmed the location to Members of the Committee.

Councillor Macro asked for clarification that the site was surrounded by built forms. Mr Dray confirmed that the Pumping Station was close by. The building had been noted from the footpath on the site visit. Councillor Macro noted that there were buildings on all four sides of the site. Councillor Law commented that the main issue was that the site was outside of the settlement boundary.

Councillor Royce Longton queried the distances between properties highlighted by the Parish Council. It had been stated that the distance was only 11 metres when it should be 21 metres. Mr Dray stated that 21 metres was the minimum recommended back to back distance at the rear of properties. The front to front distance could be as little as 9 metres if a sensitive design approach was taken. Therefore Officers were comfortable with the distance of 11 metres.

Councillor Jo Stewart was concerned about the flooding risk and was interested in the amount of times flooding had been an issue in the area. Councillor Stewart asked

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Officers to clarify the issues around flooding. Mr Dray stated that land was classified as being in either Flood Zone 1, 2 or 3. Flood Zone 1 had the lowest risk of fluvial (river/coastal) flooding. Areas rated as Flood Zone 3 included functional floodplains, where flooding was expected. The applicant had consulted with the Environment Agency, which was satisfied that the site could technically be made safe, without increasing the flood risk elsewhere in the area. However, the National Planning Policy Framework (NPPF) and local policies included a flood risk sequential test that essentially sought to ensure permission was only granted on flood risk areas if there was not enough land that could be used for development elsewhere. As enough alternative land was available for housing in the district outside of areas of flood risk, the proposal would fail the sequential test.

Debate:

Councillor Law summarised that Planning Officers had two clear policy objections to the scheme. Firstly it was outside of the settlement boundary and secondly regarding the sequential test. He advised that if Members wished to approve the application they needed to clearly state exceptions as there was risk of a precedent being set elsewhere in the district if the scheme was approved.

Councillor Jeremy Cottam was of the view that settlement boundaries needed to be protected. He did not see how the scheme would benefit the community.

Councillor Macro was concerned about the elevation facade that would be plain brick and in his view would be dominant on the street scene.

Councillor Cottam proposed that Members refuse the application, including an addition to the third refusal reason, raised by Councillor Macro, regarding the appearance of the development, particularly the front elevation. This was seconded by Councillor Tony Linden. The Chairman invited Members to vote on the proposal by Councillor Cottam, seconded by Councillor Linden. At the vote the motion was carried.

RESOLVED that the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

1. Location of new housing

The application site is located outside of any defined settlement boundary, within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). According to Policy ADPP1, only appropriate limited development in the countryside will be allowed. Recognising the sensitivity of the area, landscape protection is the priority in terms of housing provision, Policy ADPP5 states that, beyond housing site allocations there will be further opportunities for infill development and for development on previously developed land. Policy CS1 states that new homes will be located in accordance with the settlement hierarchy outlined in the spatial strategy and area delivery plan policies, and that new homes will be primarily developed on suitable land within settlement boundaries. In this context, Policy C1 provides a presumption against new residential development outside of the settlement boundaries, subject to a number of exceptions, none of which apply to this proposal. As such, a new dwelling on this site, which is outside the settlement boundary, does not comply with the aforementioned policies. The application is contrary to the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

2. Flood risk sequential test

The site includes land within Flood Zones 1, 2 and 3, and consequently the flood risk sequential test of the NPPF is applicable. No sequential test has been undertaken by the applicant, but in any event it is considered that the sequential test would fail because sufficient land for housing can be permitted in West Berkshire without developing land in Flood Zones 2 or 3. Consequently, although these may be a technical solution to the flood risk on the site (through the measures proposed in the Flood Risk Assessment and associated documents), there remains a flood risk policy objection. The application is contrary to the National Planning Policy Framework, the Planning Practice Guidance, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.

3. Character and appearance

The application site is located adjacent to the rural settlement within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The site comprises an existing open green space adjacent to the settlement boundary that provides a positive contribution to the street scene in terms of providing a soft edge to the settlement. The proposed building would result in the loss of this open space to the detriment of local character, and the building and hardstanding would be prominent additions to the street scene due to their position within the site. The appearance of the dwelling, particularly the bland front elevation comprising an expanse of brick with little visual articulation, would not respect the character and appearance of the area. The application therefore fails to respect the character and appearance of the area, contrary to the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006- 2026, and the Quality Design SPD.

(2) Application No. & Parish: 19/01544/FULEXT - Land to the West of Dorking Way, Calcot, Reading

(Councillor Tony Linden declared a personal interest in Agenda Item 4(2) by virtue of the fact that he lived in Knollmead, Calcot. However, he considered that this was not close enough geographically to the application site to influence his views on the matter. 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 Alan Macro declared a personal interest in Agenda Item 4(2) by virtue of the fact that he knew the parish representative and the objector. 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 Jo Stewart declared a personal interest in Agenda Item 4(2) by virtue of the fact that she previously sat on the Holybrook Parish Council Planning Committee. However, she confirmed that she would consider the matter afresh. 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.)

(All Members had received communication from Bellway Homes Limited in relation to Agenda Item 4(2). This was new information received within the past five working days and was therefore disregarded.)

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/01544/FULEXT in respect of a full planning application for the erection of 199

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dwelling (including affordable housing) with public open space, hard and soft landscaping, and vehicular access from Dorking Way.

Prior to the Planning Officer's introduction to the report, Councillor Alan Law highlighted the fact that the principle of development had already been established for this site, as an application for between 150 and 200 dwellings had been allocated within the Housing Site Allocations Development Plan Document (HSA DPD) Policy HSA12.

Michael Butler, Principal Planning Officer, introduced the report and highlighted the following points:

- He made a correction to paragraph 1.2 of the report. This should state the proposed housing mix as 30 no. 1 beds, **54** no. 2 beds, **85** no. 3 beds, and 30 no. 4 beds.
- Mr Butler considered that the principle objection was the impact on infrastructure and on local traffic movements. However, the Highways Officer was recommending conditional permission.
- Detailed traffic modelling had been undertaken and this concluded that there would be an overall increase of less than 1% on the highway network on average in the morning peak period. The National Planning Policy Framework (NPPF) stated that a development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Housing Officers were supportive with 40% (80 units) affordable.
- Paragraph 6.12 of the report noted that no nationally designated landscape would be directly affected by the scheme since the North Wessex Downs Area of Outstanding Natural Beauty (AONB) lay some distance to the north of the application site. However, Mr Butler felt that the setting of the AONB could be affected.
- The Environmental Health consultation response concluded that an acoustic fence was not needed, subject to appropriate other conditions and mitigation measures.
- If planning permission was granted, the developer would seek permission from Natural England to close the existing badger setts and to create artificial setts at a suitable nearby location. Based on this proposed action for the badger setts and the full ecological mitigation plan, the Council's Ecologist recommended that conditional permission be granted.
- The update sheet responded to points of clarification raised during the site visit. This covered:
 - The applicant's intention to seek adoption of all roads capable of adoption.
 - That plot 17 (a flat) had no adjoining amenity space. However, there would be considerable open space in the locality and the purchaser of the plot would be aware of this point.
- No objections had been received from the Ministry of Housing, Communities and Local Government's (MHCLG's) National Planning Casework Unit. Reference to this would therefore be removed from the recommendation.
- Mr Butler concluded by stating that while there was a planning balance in reaching a conclusion on this application, in this view the benefits brought by the application would demonstrably outweigh the adverse effects and the application was therefore strongly recommended for approval subject to the completion of a Section 106 Agreement. The Heads of Terms for the Agreement covered requirements for affordable housing, public open space, a travel plan and a traffic regulation order.

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In accordance with the Council's Constitution, Mrs Mary Bedwell, Parish Council representative, Mr Simon Collard, objector, and Ms Julia Mountford, Mr Des Hobson, Ms Carmelle Textor and Mr Ed Clarke, applicant/agent, addressed the Committee on this application.

Parish Council Representation:

Mrs Bedwell in addressing the Committee raised the following points:

- Holybrook Parish Council accepted the site was allocated in the HSA DPD for between 150 and 200 homes, however were frustrated that the proposal was only one short of the maximum provision at 199 homes.
- This development would not enhance the area. Improvements could be made to areas including access, noise and pollution if a lower density proposal came forward. A lower density scheme would be more in keeping with the local area.
- There was a risk of flooding in the local area and this would need to be managed if the application was approved.
- The parking provision was not considered sufficient in some areas. Emergency vehicle access was also of concern.
- Traffic levels increased in the area year on year. However, there was very little infrastructure improvement. Infrastructure had not kept pace with developments.
- Heavy traffic was a problem for residents on a daily basis and Mrs Bedwell felt that the traffic analysis did not meet with the reality of the situation. She questioned the increased number of vehicles referenced in paragraph 6.38 of the report during the morning peak period. She did not consider that an increase in 9 eastbound vehicles and 27 westbound vehicles on the A4 between the M4 and Dorking Way was realistic when considering this was a development for 199 dwellings.
- Noise pollution was a concern. Residents in attendance at the site visit reported that the traffic noise was at times deafening.
- An up to date air quality survey needed to be completed for the site, this would be in accordance with the requirements of the HSA DPD.
- The Parish questioned whether health/Clinical Commissioning Groups (CCGs) were consulted on the proposal. Residents from this application, if approved, would need to attend Theale Surgery but this was already overburdened.
- Holybrook Parish Council requested that the application, in its current form, be refused. This was the agreed position of all adjoining parishes.

Member questions to the Parish Council:

Councillor Law queried if data was held on the housing density of this application and that of the surrounding area to aid comparisons. Mrs Bedwell did not have data on this point, however she reiterated that a smaller number of homes could make for a more acceptable scheme.

Objector Representation:

Mr Collard in addressing the Committee raised the following points:

- He lived in Dorking Way and represented the 40 objectors to this application. The number of objectors outweighed the number of supporters by ten to one.

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- Around 85% of the objections concerned traffic congestion. Tailbacks of 400 metres at peak times was not sustainable. He questioned how Highways considered this to be acceptable.
- Traffic congestion created pollution.
- The parking allocation was inadequate for residents and visitors.
- Local schools and GP surgeries were at bursting point.
- Noise pollution was a factor.
- The development would impact negatively on the level of green space in the area. Bellway Homes had suggested that an area of green space could be offered to West Berkshire Council or Holybrook Parish Council but this was on a flood plain. Flooding was a concern.
- Natural wildlife habitat would be destroyed.
- The high density of this application was of concern. A preference would be for a housing number nearer to 150. The cumulative impact of significant development in the area had to be taken into account.
- Cycle lane improvements would be needed, if the application was approved.

Member questions to the objector:

Councillor Jo Stewart asked Mr Collard to describe his experience of traffic congestion as a local resident. Mr Collard explained that during the morning peak period (7.15am – 8.45am) traffic queued between Charrington Road and the A4. Queues were well in excess of the 16 metres indicated in the report. Mr Collard did not accept that the development would only generate a 1% increase in vehicles movements during the morning peak. He pointed out that originally, an increase in 26% was indicated. Mr Collard felt sorry for potential new residents due to the traffic difficulties they would face.

Councillor Ross Mackinnon queried patient numbers at local GP surgeries. Mr Collard explained that approximately 11,000 patients were listed for Theale Surgery. The national GP to patient ratio was 1,300 patients per GP. Two GPs at Theale Surgery already had in excess of 2,500 patients. This development had the potential to add a further 1,000 patients.

Applicant/Agent Representation:

Ms Mountford in addressing the Committee raised the following points:

- The application accorded with the HSA DPD and would be developed in line with its requirements. The principle of development was accepted in the HSA DPD.
- Pre-application discussions had been held with Planning Officers and relevant stakeholders. The application took account of points raised during this process.
- A well balanced report had been produced by the Planning Officer. There were no material considerations which outweighed the benefits of the application.
- Vehicle access from Dorking Way would align with the HSA DPD. An independent road safety audit had been conducted.
- Pedestrian and cycle links would be established.
- The parking provision was in accordance with West Berkshire Council's parking standards.

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- Bellway had produced its own traffic modelling. This had been verified by the Council's Highways Officer and an independent Transport Consultant. This showed an acceptable increase on the highways network.
- The acoustic design statement had been taken into account, with appropriate mitigation measures to be put in place. West Berkshire Council's Environmental Health Officers had found this to be acceptable.
- A comprehensive approach had been taken for landscaping. There would be a significant level of tree planting and the landscaping would enhance how the site would link with Holybrook Linear Park. There would be many ecological benefits and the proposal would achieve bio-diversity net gains.
- As explained by the Planning Officer, a licence would be sought from Natural England to close the existing badger setts and to create artificial setts at a suitable nearby location. Subject to approval, this would be undertaken in line with legislative requirements.
- The application would provide many benefits, some of which had already been mentioned. Ms Mountford particularly highlighted an increase in the housing stock (40% of which would be affordable), new pedestrian and cycle links, and provision of public open space.
- Ms Mountford concluded by repeating the point that there were no adverse impacts from the development that would outweigh its benefits.

Member questions to the Applicant/Agent:

Councillor Mackinnon queried if consent had been granted by Natural England for the works relating to the badger setts. Mr Hobson, Ecology Consultant for Bellway, explained that if planning permission was granted then the application would be made to Natural England. The application could not be made until the permission was in place.

Councillor Linden noted reference in the report to the potential for contaminated land and he queried if this had been tested. Ms Textor clarified that the relevant surveys had been undertaken and there was no contamination on the site.

In response to Councillor Linden's subsequent query, Ms Textor confirmed that there would be capacity on the site to charge electric vehicles.

Councillor Stewart referred to condition seven – noise mitigation and queried the noise mitigation measures that would be implemented when an acoustic fence was not to be erected. Mr Clarke explained that it was not possible to erect the acoustic fence due to the topography of the site adjacent to the A4. However, mitigation measures to be put in place would include the built form of the development being designed to help screen noise from the amenity space, sound proof glazing and standard fencing.

Councillor Law queried the density of the site. Ms Mountford confirmed that this was 46 dwellings per hectare which was in accordance with Policy CS4 of the West Berkshire Core Strategy.

Councillor Law followed this by querying how this proposed density compared with the surrounding area, in particular Dorking Way. Ms Mountford did not have this information to hand.

Member questions to the Officers:

In response to a number of Member questions on traffic congestion, Gareth Dowding (Acting Principal Engineer) advised that:

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- The morning peak period, which on average recorded 1,574 vehicles travelling eastbound and 2,225 vehicles travelling westbound on the A4 between the M4 and Dorking Way, covered 7.30am – 9.00am.
- Dorking Way onto the A4 was a left turn only. 60% of motorists leaving Dorking Way would want to turn right and it was possible to join the A4 at a point further east from either Charrington Road or Pollards Way. Mr Dowding clarified the point that this development would increase the eastbound and westbound traffic by a combined 36-48 vehicles during the morning peak period for those turning left out of Dorking Way.
- Traffic queues were often caused by incidents occurring on the M4. A small incident on the M4 could have a significant impact on the A4. It was hoped that the M4 becoming a smart motorway could help to alleviate this in time. Mr Dowding added that this development would not impact significantly on traffic volumes, traffic congestion on the A4 was primarily caused by issues on the M4.
- In response to a specific question on why the 2023 model, in some cases, showed that traffic queues would be lower with this proposal included than without, Mr Dowding explained that the model distributed traffic across the entire network. This was undertaken via live modelling which was input into the model. The modelling considered a wide range of factors. He added that the issue of traffic congestion was ever evolving. Peak traffic times had moved over the years to earlier times and later times.
- The traffic calming in place would remain.
- To calculate the expected traffic generation for the proposal, the nationally used Trip Rate Information Computer System (TRICS) database had been used. This identified, on average, 0.6 vehicles per household leaving their homes in the morning peak period. Not all residents would leave at the same time and travel in the same direction. This 0.6 amounted to approximately 120 vehicles and, based on the 60:40 east/west split, would amount to 72 vehicles travelling to the east (an increase of 2.2%) and 48 travelling to the west (an increase of 4.6%). These were low increases in real terms and there was not an objection on highways grounds.
- A vehicle saturation level was not available for the A4.

Councillor Law commented that this had been a thoroughly researched and modelled exercise which had been developed over time. While different perceptions had been discussed, he felt it was necessary to rely on the specialist advice provided and the outcomes of the specialist modelling. He did however query the level of confidence in the accuracy of the 'overall increase of less than 1%' on the A4 between the M4 and Dorking Way during a typical weekday morning peak. Mr Dowding explained that he was as comfortable as it was possible to be. This percentage had been identified by the modelling. He added that the modelling had been independently verified by an external consultant who had been employed by West Berkshire Council.

Councillor Jeremy Cottam referred to the consultation response of the Lead Local Flood Authority who, on the original plans, stated that they were disappointed that only a detention basin was planned rather than a multiple landscaped sustainable drainage scheme. Mr Butler clarified that this was based on the original plans. Amended plans contained additional sustainable drainage features and the Lead Local Flood Authority were recommending conditional permission based on amended plans.

In response to a question from Councillor Geoff Mayes, Mr Butler explained that the acoustics report took account of the extra lane on the M4 and its development to a smart motorway. The additional landscaping proposed would help to reduce the noise level on

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the development area to an extent. Mr Dowding added that the background noise from the M4 should reduce with a variable speed limit imposed. Currently, noise levels were higher as traffic sped up to reach the maximum speed limit. This would reduce with a variable speed limit. In addition, Highways England were looking to use noise reducing road materials to reduce the rolling traffic noise from the motorway.

Councillor Law returned to his question on the density of this development compared to the density of existing development in the local area, i.e. Dorking Way. Mr Butler did not have the specific density figures for surrounding residential areas, but gave an estimate that this was 30-35 dwellings per hectare. While this was lower than the density in the proposal, it was not substantially different.

In response to a question from Councillor Gareth Hurley, Mr Dowding confirmed that the traffic modelling took account of the introduction of the smart motorway and pending developments in the area.

Councillor Hurley then queried whether a demographic projection had been undertaken, for example to assess educational need arising from the development. Bob Dray (Development Control Team Leader) explained that the Education Service modelled pupil yield based on the housing mix and this took account of housing developments. Community Infrastructure Levy (CIL) funding was eligible to fund educational improvements to offset an incremental rise in pupil numbers. Section 106 obligations could only be provided if there were site specific reasons to do so.

Mr Dray added that the CCG (NHS) had been consulted on the impacts to health services from the proposed development, but they had not responded. However, as with Education, CIL funding could be used to offset an incremental rise in patient numbers. It would then be for the CCG to manage the potential impact of the development, i.e. on the Theale GP Surgery, at a strategic level.

Councillor Law agreed that the impact would be for the CCG to manage. Only strategic sites, such as Sandford, would include the provision of a GP surgery.

Debate

Councillor Macro confirmed that it was very difficult to get an appointment at the Theale Medical Centre. He acknowledged that the principle of development and the housing numbers had been accepted, but he remained concerned in relation to access to and from the site.

Councillor Cottam felt that the A4 had reached saturation in terms of its traffic flow and he was concerned that additional vehicles on the road network would exacerbate that situation.

Councillor Cottam stated that he would welcome the development, in particular the much needed affordable housing, but he was unconvinced by the traffic numbers. He particularly questioned the figures given for the morning peak period of 72 additional vehicles travelling to the east.

Councillor Hurley pointed out that the Highways Officer had been questioned on the traffic numbers and it had been confirmed that the modelling had been independently verified. Councillor Hurley continued by stating that the traffic problems already existed in the area and the additional traffic caused by this development would not worsen the situation significantly. The site was allocated within the HSA DPD and the proposed density was within the approved range for housing numbers. He questioned if a development of closer to 150 dwellings would do much to change the impact.

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Councillor Linden stated that improvements had been made to the A4. He was concerned that if the application was refused, then the Council would be liable for costs at an appeal.

Councillor Hurley proposed acceptance of the Officer recommendation to grant planning permission subject to the completion of a Section 106 Legal Agreement. This was seconded by Councillor Mackinnon.

Prior to the vote, Mr Butler reiterated that the application site was allocated within the HSA DPD and the proposed number of dwellings was within the number of units allocated to the site. The number of dwellings per hectare accorded with policy requirements. This was in a sustainable location.

If this was not approved and an application for a reduced number of dwellings came forward, then it would be necessary to identify more housing elsewhere. The number of affordable homes would also reduce.

If the application was refused, on a HSA DPD site, the Council would likely lose at appeal and be liable for costs.

The Officer recommendation was strongly for approval.

RESOLVED that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions and the completion of a Section 106 Legal Agreement by 31 January 2020 (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice-Chairman of the Eastern Area Planning Committee).

Heads of Terms for Section 106 Agreement

1. Affordable housing

- 40% (80 units) affordable housing
- 70% of affordable housing units to be social rented tenure
- 30% of affordable housing units to be shared ownership tenure

2. Public open space

- Provision and transfer of public open space
- Commuted sum of £64,640.57 for the future maintenance

3. Travel plan

- £3000 towards future monitoring of approved travel plan

4. Traffic regulation order

- £1500 towards a traffic regulation order for the junction of the site with Dorking Way

OR, if the Section 106 Legal Agreement is not completed, to refuse planning permission for the following reason:

Section 106 planning obligation

The application fails to provide a Section 106 Planning Obligation to deliver necessary infrastructure and mitigation measures, including:

- a) Affordable housing, without which the proposal would be contrary to the National Planning Policy Framework, Policy CS6 of the West Berkshire Core Strategy (2006-2026), and the Planning Obligations SPD.
- b) Public open space (provision and governance), without which the proposal would be contrary to the National Planning Policy Framework, Policy CS18, Policies

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RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Planning Obligations SPD.

- c) A monitoring fee for the Travel Plan, without which the proposal would be contrary to the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policies GS1 and P1 of the Housing Site Allocations DPD 2006-2026.
- d) A contribution towards the a Traffic Regulation Order for Dorking Way, without which safe access will not be provided in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

Conditions

1. Commencement of development

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. Approved plans

The development hereby permitted shall be carried out in accordance with the drawings listed in the Amended Drawing Register dated 11/11/2019, reference 014807-BEL-TV.

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

3. Minerals

No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority and thereafter all works shall be carried out in accordance with the methods agreed throughout the construction period:

- a) A method for ensuring that minerals that can be viably recovered during the development are recovered and put to beneficial use;
- b) A method to record the quantity of recovered mineral (for re-use on site or off-site) and the reporting of this quantity to the Local Planning Authority.

Reason: To ensure no mineral resources are sterilised in accordance with the NPPF and Policy 2A of the Replacement Minerals Local Plan for Berkshire (Incorporating the Alterations adopted in December 1997 and May 2001). A pre-condition is required because the recovery of minerals must take place concurrent with construction activities.

4. Archaeological works

No development (including any site clearance) shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first 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 are found and adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the programme must be adhered to before and during construction so as to avoid loss of any historical interest before appropriate recording.

5. Thames Water

No construction activities shall take place within 5m of the strategic water main, unless otherwise approved in writing by the Local Planning Authority in consultation with Thames Water. Should a building or structure be proposed within 5 metres of the water main, information detailing how the developer intends to divert the asset and/or align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved details. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. In accordance with the NPPF and policy CS5 in the West Berkshire Core Strategy 2006-2026.

6. Piling

No piling shall take place within 15m of the water main crossing the application site, until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. In accordance with the NPPF and policy CS5 in the West Berkshire Core Strategy 2006-2026.

7. Noise mitigation

No dwelling shall be first occupied until the noise mitigation measures as set out in the Clarke Saunders report (reference AS9765.190214.ADS Revision B, dated 23/10/19) have been provided in full. The noise mitigation measures shall be retained and maintained thereafter.

Reason. To protect future residents from road noise. In accordance with the NPPF, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Electric vehicle charging points

The construction of the dwellings beyond slab level shall not take place until an electric vehicle charging strategy for the development has been submitted to and approved in writing by the Local Planning Authority. This strategy should include details relating to on-site infrastructure, installation of charging points and future proofing of the site. Thereafter, the development shall be implemented in accordance with the approved strategy and no dwelling shall be first occupied until any associated charging points have been provided.

Reason: To ensure that electric vehicle charging facilities are provided so as to encourage the use of sustainable modes of travel. In accord with Policies GS1 and P1 of the Housing Site Allocations DPD 2006-2026.

9. Unexpected contamination

If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation). Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, no dwelling shall be first occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Construction method statement (CMS)

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) 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) Erection and maintenance of security hoarding including any decorative displays and facilities for public viewing;
- (e) Temporary access arrangements to the site, and any temporary hard-standing;
- (f) Wheel washing facilities;
- (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (h) Hours of construction and demolition work;
- (i) Hours of deliveries and preferred haulage routes.

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, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

11. Hours of work (construction/demolition)

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

7:30am to 6:00pm Mondays to Fridays;

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8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

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

12. Sustainable drainage

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the following approved documents:
 - Letter sent from MJA Consulting to West Berkshire Council, dated 3rd October 2019, signed by Chris Pendle;
 - Pluvial Study Report produced by Odyssey, dated October 2019 (ref. 19-014) appended to the aforementioned letter;
 - Flood Risk Assessment, Ref. SS/19/0356/5699-Rev F, June 2019 prepared by MJA Consulting (unless specific information superseded by the Pluvial Study Report produced by Odyssey, referenced above)
 - Drawings;
 - o 5699:P03-Rev J – Overall Drainage Layout
 - o 5699-P04-Rev C – Levels Layout Sheet 1
 - o 5699-P05-Rev B – Levels Layout Sheet 2
 - o 5699:P06-Rev C – Overall Levels Layout
 - o 5699:P07-Rev E – Overall Exceedance Plan
 - o 5699:P10-Rev B – Longitudinal Sections Sheet 1
 - o 5699:P11-Rev D – Indicative Swale Layout
 - o 5699:P12-Rev A – Longitudinal Sections Sheet 2
 - o 5699:P70-Rev C – Basin Cross Sections
- b) Include hydraulic drainage calculations demonstrating connectivity between positive drainage and SUDS features with a final discharge rate of no greater than 13 l/s for all critical storm duration of the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year storm +40% for climate change;
- c) Include a catchment plan detailed the areas to be positively drained into the proposed surface water drainage network;
- d) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development, where appropriate;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site and outfalls into the ordinary watercourse;
- f) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body, statutory undertaker, management and maintenance by a residents'

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management company or any other arrangements to secure the operation of the sustainable drainage scheme; throughout its lifetime; and

- g) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse; and
- h) Include a timescale for the completion of all sustainable drainage measures.

The development shall be carried out 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; 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. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and the Sustainable Drainage Systems SPD.

13. Layout and design standards

The detailed layout of the site shall comply with the Highway Authority's standards in respect of road and footpath design and vehicle parking and turning provision and the Developer to enter into a S278/S38 Agreement for the adoption of the site. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic. This condition is applied in accordance with the National Planning Policy Framework (March 2019), 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).

14. Travel Plan

The development shall be carried out and maintained in accordance with the revised Travel Plan (reference JDW/IN/SN/ITB13292-OO4B, dated 7 November 2019).

Reason: To reduce future reliance on travel by the private car. This condition is applied in accordance with Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policies GS1, HSA12 and P1 of the Housing Site Allocations DPD 2006-2026.

15. Off-site highway works

The 50th dwelling shall not be first occupied until the following works have been completed (under Section 278 of the Highways Act 1980, or other appropriate mechanism) in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority:

- a) A 3.0 metre wide shared footway / cycleway adjacent to the proposed access road which will connect with proposed improvements along the Dorking Way site frontage;
- b) Improvements to the existing footway along Dorking Way to provide a 3.0 metre wide shared footway / cycleway, which provides a link to the A4 Bath Road; and
- c) Any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway/ cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is applied in accordance with the

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National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

16. Traffic Regulation Order

No dwelling shall be first occupied until a Traffic Regulation Order to provide a prohibition of right turning onto Dorking Way for larger vehicles is in place, and all appropriate signage has been provided in accordance drawings that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of road safety and to ensure that the existing prohibition of large vehicles passing through Dorking Way is retained. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

17. Visibility splays

No development shall take place until visibility splays of 2.4 metres by 43.0 metres have been provided at onto Dorking Way. The visibility splays shall, thereafter (during construction and following occupation of the development), be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

18. Vehicle parking

No dwelling shall be first occupied until its associated vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or 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 applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

19. Cycle parking

No dwelling shall be first occupied until cycle parking/storage has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The cycle parking/storage shall thereafter be kept available for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. Landscaping

No development shall take place until a detailed scheme of landscaping for the site has been 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

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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 in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the detailed landscaping scheme will be site-wide and so needs to be considered at the outset.

21. Tree protection

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan Tree Protection Plan ref: 1149-KC-XX-YTREE-TPP01 Rev D dated 18th September 2019. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

22. Arboricultural site supervision

No development (including any ground clearance, tree works, demolition or construction) shall take place until details of all tree protection monitoring, and site supervision by a suitably qualified tree specialist shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

23. Tree retention

The measured identified in the Tree Survey and Impact Assessment (ref: 1149-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevC dated September 2019) shall be implemented in full and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

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24. Permitted development restriction for extensions

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 extensions, alterations, or other development which would otherwise be permitted by Schedule 2, Part 1, Class A of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site in the interests of respecting the character and appearance of the surrounding area, and to ensure adequate separation distances are maintained between dwellings within the development. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (June 2006).

25. Ecological mitigation

The ecological mitigation measures identified in the report by EPR dated the 19th November 2019 (version 1) shall be fully implemented concurrent with the development of the site.

Reason: To ensure protected species are conserved, in accordance with Policy CS17 of the West Berkshire Core Strategy 2006-2026, and the NPPF.

26. Construction Environmental Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not take place without the full implementation of the CEMP, and the incorporating of all measures prescribed therein. As a minimum the CEMP shall include:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures to avoid and reduce impacts during construction;
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when professional ecologist supervision is required;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities of the ecological clerk of works or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs

Reason: To conserve and enhance local biodiversity. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because the CEMP must be adhered to throughout the construction phase.

27. Landscape and Ecological Management Plan

No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not take place without the full implementation of the LEMP, and the incorporating of all measures prescribed therein. As a minimum, the LEMP shall include:

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- (a) Measures required in connection with the approved badger and ecological enhancement plan, together with associated landscaping;
- (b) Landscaping of approved buffer zones and sustainable drainage features;
- (c) Landscaping of the public open spaces within the site;
- (d) Maintenance arrangements for all areas of landscaping.

Reason: To ensure the conservation and enhancement of local landscape and biodiversity assets affected by the proposed development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because the LEMP must be adhered to throughout the construction phase.

(3) Application No. & Parish: 19/01658/FUL - The Rectory, Englefield Road, Theale, Reading

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/01658/FUL in respect of the erection of single storey building to be used as an office for the Oxford Diocese. The proposal included parking, landscaping and facilities for the Parochial Church Council and the Rector of the Holy Trinity Church.

Mr Bob Dray, Development Control Team Leader, introduced the report and highlighted the following points:

- The site was accessed from Englefield Road in Theale.
- Councillor Macro had called the site in if approval was recommended as the Parish Council had raised concerns about the impact on the Grade One Listed Church and Grade Two Listed Old Rectory.
- The site was located within the settlement boundary.
- The key consideration fundamentally was the impact on the conservation area and the setting of the surrounding historic buildings.
- Regarding the view of the front of the site, the proposed building would be able to be seen just behind the garage of the Rectory.
- Visibility splays and access had been discussed at the site visit and the Highways Officer was satisfied with this aspect of the application.
- Historic England had been consulted and they concluded that there would be a minor degree of harm caused if the application was approved.
- Public views of the proposed building would be limited.
- It was a statutory duty to give special regard to the desirability of conserving the setting of listed buildings.
- In the view of Planning Officers, the benefits of the scheme outweighed the limited harm to the setting of the surrounding heritage assets that would be caused and therefore approval of the application was recommended.

In accordance with the Council's Constitution, Mr David Mitchell, agent and Councillor Alan Macro, Ward Member addressed the Committee on this application.

Agent Representation:

Mr Mitchell in addressing the Committee, raised the following points:

- He had provided the surveyor services for the Diocese for 13 years.

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- The proposed scheme had changed several times to help it fit in with its surroundings.
- Historic England had been consulted and raised no objection to the scheme.
- The proposed building had been sensitively designed, including the position of the car park and landscaping.
- The car park had been considered very carefully and the access road was safe. As part of the scheme the access road would be widened.
- Plants along the existing boundary would be retained as part of the proposed landscaping and would be enhanced.
- Mr Mitchell had attended the Parish Council meeting regarding the scheme, to address any concerns.
- The Parish Council had been concerned that the scheme was not in keeping with the residential area. Mr Mitchell stated that the site was surrounded by non-residential buildings.
- The Parish Council had raised concern about the design of the proposed building. Mr Mitchell stated that the scheme had been sensitively designed and was only single storey. The view of the building would be very limited.
- The Parish Council had been concerned that the scheme would be overbearing. Mr Mitchell commented that Planning Officers' viewed the scheme to be of high quality design. Alternative locations had been explored over the past five years however, unfortunately no alternative could be found.
- It was clear at the Parish Council meeting that even if changes were made to the scheme, it would not be supported by the Parish Council.
- Regarding traffic accessing the site, the access from Englefield Road would be widened as part of the scheme.
- Regarding impact on the heritage assets, a lot of work had taken place to keep any harm to a minimum.
- The scheme would provide benefits to the public, was of high quality design and would have no impact on local amenity.

Member Questions to the Agent:

Councillor Geoff Mayes noted the six car parking places that would be included as part of the scheme and asked if those using the church could use these spaces. Mr Mitchell confirmed that the church had its own parking facilities and therefore the six car parking spaces would not be used by those visiting the church.

Councillor Alan Macro asked if facilities provided by the scheme would be available for use by people visiting the church. Mr Mitchell stated that those visiting the church would have access to a meeting room, toilet and kitchen facilities.

Councillor Alan Law noted that other office accommodation had been considered but none had been available. He asked Mr Mitchell to elaborate on this. Mr Mitchell confirmed that the Diocese would not lease office accommodation. Councillor Law noted therefore that they were only looking for office accommodation or land to purchase. Mr Mitchell confirmed that this was correct. He commented that two years previously, two alternative sites had been located but had subsequently fallen through.

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Ward Member Representation:

Councillor Macro in addressing the Committee, raised the following points:

- Councillor Macro was disappointed that the Parish Council was not in attendance to address the Committee.
- He agreed with some of the concerns raised by the Parish Council, particularly regarding the proximity of the scheme to listed buildings. The design and proximity to the church was a concern.
- He stated that he would be asking Officers later in the proceedings how far the proposed building would be from the church if approved. He was concerned that the building would not compliment the church and would spoil the view. It did not seem to fit into the setting.

Member Questions to Officers:

Councillor Alan Macro asked Officers what the distance was from the church to where the proposed building would be positioned. Mr Dray measured the plans and confirmed that it was about 10 metres to the boundary and 18 metres approximately between the two buildings.

Mr Dray concluded that the principle of the development and the location was deemed acceptable in the view of Officers.

Debate:

Councillor Macro felt that there were other locations that could have been chosen. There were at least 20 office units available to rent in the area and he was aware that some of the existing school building would soon become redundant and could be made available to the church.

Councillor Jeremy Cottam sympathised regarding the concerns that had been raised however, felt that the facilities that would be provided to the Grade One Listed Church would be extremely beneficial to the community. He therefore proposed that Members accept the Officers recommendation and approve planning permission. Councillor Jo Stewart concurred with Councillor Cottam's views and felt that the facilities proposed as part of the scheme would be of real benefit to the community. Councillor Stewart therefore seconded the proposal by Councillor Cottam. The Chairman asked the Committee to vote on the proposal by Councillor Cottam, seconded by Councillor Stewart. At the vote the motion was carried.

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

Conditions

1. Commencement of development

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. Approved plans

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

- Drawing title "Proposed Site Plan". Drawing number

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- 18/589/514/003". Date received 7th August 2019
- Drawing title "Site Location Plan". Drawing number 18/589/514/001". Date received 7th August 2019
 - Drawing title "Proposed Elevations". Drawing number 18/589/514/005". Date received 18th July 2019
 - Drawing title "Proposed Floor Plan". Drawing 18/589/514/004. Date received 18th July 2019
 - Drawing title "Tree Protection Plan". Drawing number HTS-TPP-01A. Date received 18th July 2019.

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

3. **Materials**

No works above ground level shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building 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, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

4. **Construction method statement**

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

- (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) The erection and maintenance of security hoarding including any decorative displays and facilities for public viewing;
- (e) Temporary access arrangements to the site, and any temporary hard-standing;
- (f) Wheel washing facilities;
- (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (h) A site set-up plan.

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, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework,

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Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

5. **Visibility splays before development**

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is applied in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because the access will be used by construction traffic and as such should be provided before development begins.

6. **Parking and turning**

The building hereby permitted shall not be first occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking (of private motor cars and/or 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 applied in accordance with the National Planning Policy Framework (2019), 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).

7. **Cycle storage**

The building hereby permitted shall not be first occupied 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 applied in accordance with the National Planning Policy Framework (2019), 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).

8. **Soft landscaping**

No development shall take place (including site clearance and any other preparatory works) until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the

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first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). 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: A comprehensive soft landscaping scheme is an essential element in the detailed design of the development, is necessary to ensure the development achieves a high standard of design, and to conserve the setting of the adjacent grade I listed church. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

9. **Tree protection**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan HTS-TPP-01A rev: A 04/04/19. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

10. **BREEAM**

The building hereby permitted shall achieve Excellent under BREEAM (or any such equivalent measure of sustainable building construction first agreed in writing with the Local Planning Authority). The building shall not be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent measure) rating of Excellent has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

11. **Sustainable drainage**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

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- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018.
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels.
- c) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change, demonstrating hydraulic connectivity between the various drainage features.
- d) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- e) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- f) Include a timetable for implementation.

Thereafter, the sustainable drainage measures shall be implemented in accordance with the approved details and timetable. 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). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

12 Hard landscaping

The building hereby permitted shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore

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necessary to ensure the development achieves a high standard of design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

13. Permitted development restriction

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions or alterations to the building which would otherwise be permitted by Schedule 2, Part 7, Class F of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of conserving the setting of the surrounding designated heritage assets. This condition is applied in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

14. Use Class restriction

The premises shall be used solely as offices (Use Class B1A) and for no other purpose 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: Careful consideration has been given to this application for planning permission and any other use may not be acceptable on the site. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policies, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

29. Appeal Decisions relating to Eastern Area Planning

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

30. Site Visits

A date of 27 November 2019 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 4 December 2019.

(The meeting commenced at 6.30pm and closed at 9.00pm)

CHAIRMAN

Date of Signature

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 4 DECEMBER 2019

Councillors Present: Jeremy Cottam, Alan Law (Chairman), Royce Longton (Vice-Chairman), Ross Mackinnon (Substitute) (In place of Graham Pask), Alan Macro, Geoff Mayes, Joanne Stewart and Andrew Williamson

Also Present: Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Michael Butler (Principal Planning Officer), Gareth Dowding (Acting Principal Engineer (Traffic and Road Safety)), David Pearson (Development Control Team Leader) and Linda Pye (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Peter Argyle and Councillor Graham Pask

PART I

31. Declarations of Interest

It was noted that all Members of the Committee had been lobbied on agenda item 4(1). The Chairman reminded all those in attendance at the meeting that any information received within five working days of the meeting would be disregarded.

32. Schedule of Planning Applications

(1) Application No. & Parish: 19/01063/COMIND - Land south of Ravenswing Farm, Adjoining Aldermaston Road and Silchester Road, Tadley

(It was noted that that all Members had been lobbied on item 4(1). All were reminded that any information received within five working days of the meeting would be disregarded.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application No. 19/01063/COMIND in respect of the construction of class A1 foodstore, car parking and access and landscaping.

Mr Michael Butler, Principal Planning Officer, introduced the report and highlighted the following points:

- The Development Control Manager had decided that the application should be brought to Committee for consideration due to the high level of public interest.
- It was a full planning application and therefore if approval was granted, there would be no further reserved matters applications.
- There would be a right hand turning lane into the site.
- If the application was approved the site could be developed by any discount food retailer.
- The height of the proposed building would be seven metres.

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- Mr Butler showed a plan, which highlighted the site with a red line. If approved, conditions could only be applied within this red line.
- On the proposed plans the western and southern boundaries were within the red line and there would be a minimum of a 5m wide buffer strip in these areas. He also pointed out an additional area of proposed structural landscaping which fell outside of the red line and would need to be secured by a S106 agreement prior to planning permission being granted should Members be minded to approve the application.
- Mr Butler ran through the responses from the statutory consultees. West Berkshire Council's Planning Policy Service has stated that the application did not comply with Development Plan Policy because the site was greenfield and was outside of the settlement boundary.

(Councillor Jeremy Cottam arrived at 6.50pm however, as he was late arriving he was unable to take part in discussions or vote on the matter but remained as an observer).

- The total number of letters of support for the application was 880. 61 letters of objection had been received and 13 ambiguous letters, stating that a discount store was required but not in the location proposed. Total representations amounted to 954.
- Regarding visual impact, one of the Planning Officer's reasons for refusal corresponded to visual impact of the proposal and was detailed under section eight of the report.
- Regarding a sequential test, if the application was assessed with regard to West Berkshire the nearest village to the proposed store would be Aldermaston, which was two miles away. On these grounds the application would fail the sequential test, however, it was not felt that this was reasonable. If the site was assessed with regard to its location adjoining Basingstoke and Deane's border, it was deemed very sustainable as it was just outside the settlement boundary of Tadley and therefore Officers were satisfied that the application met the sequential test.
- Regarding retail impact, a retail impact assessment had been submitted by the applicant. The National Planning Policy Framework (NPPF) stated that although retail need was not a technical test it was a material consideration. Retail need could not however, be used as a reason to approve or refuse the application.
- Regarding highways, no objections had been raised by the Highways Service. Mr Butler reported that the maximum car parking standard for the site would be 156 car parking spaces, however, only 128 were to be provided if the scheme was approved.
- Regarding nuclear safety issues, the Emergency Planning Officer had objected to the scheme unless a satisfactory emergency plan was provided. The applicant had attempted to provide an Emergency Plan as a result of the objection however, the update sheet detailed that the Emergency Planning Officer was not satisfied. There was therefore an additional reason for refusal included within the update sheet as recommended by the Emergency Planning Officer. Michael Butler stated that if approval was given then a Grampian condition could be included requiring the submission and approval of an Emergency Plan before works commenced on the development.
- Mr Butler concluded that Planning Officers had considered the planning balance of the application and although there were many people in favour of the application, it was clearly a departure from the Development Plan. Therefore refusal was recommended.

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In accordance with the Council's Constitution, Mr Allan Follett and Ms Catherine Wilde, Supporters, and Mr James Mitchell (Lidl), Douglas Symington (Lidl), Chris Tookey (agent) and Richard Broad (Consultant), addressed the Committee on this application.

Supporters Representation:

Mr Allan Follett and Ms Catherine Wilde in addressing the Committee raised the following points:

- Mr Follett stated that he lived in Pamber Heath.
- In respect of the question about whether an additional food store was required Mr Follett referred to the public comments and the results of a recent survey. 2,527 (90%) supported a new discount food store, 203 (7%) objected and 78 (3%) had been undecided.
- A large proportion of the 12,000 inhabitants of Tadley supported the proposal and he therefore felt that this demonstrated an exceptional need.
- Another question was around whether the site was located in Tadley Town Centre. Paragraph 6.16 of the report stated that the centre was only 200m to the south. There were no other alternative brownfield sites available in the town. There were a couple of banks on the opposite side of the road which added weight to the suggestion that the application site was part of Tadley Town Centre.
- Ms Wilde was a resident in Tadley and felt that the area was limited for shopping in terms of price, quality and product choice. The main food store in Tadley was Sainsbury's. They effectively had a monopoly so prices were high. She felt that the town lacked diversity which meant that people were consequently forced to travel further afield to areas such as Basingstoke, Calcot and Newbury to shop in discount stores. 65% of local consumer spend was going to retail units outside of Tadley.
- A shop such as Lidl's would make shopping easier and cheaper particularly for disabled or elderly residents. It would bring a gain in sustainability due to the reduction of trips to more distant discount stores.
- A discount store such as Lidl's made an effort to buy British products.
- Ms Wilde was of the opinion that the store would not bring traffic in from other areas and it would benefit other local businesses.

Member Questions to supporters:

Councillor Geoff Mayes noted that mention had been made of Sainsbury's in Tadley and he asked if there were any other grocery shops in the area. Ms Wilde responded that there was a small Budgen's shop in the petrol station and a Co-op store but this was not on the bus route and was therefore not accessible to all.

Applicant/Agent's Representations:

Mr Mitchell in addressing the Committee raised the following points:

- The application had evolved dramatically since April 2019 and efforts had been made to overcome problems identified by officers.
- There had initially been highways concerns however, through liaison with West Berkshire and Basingstoke and Deane Local Authorities, any issues had been resolved.
- Electrical charging points would be provided as part of the application helping it to achieve a BREEAM excellent rating.

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- The landscape buffers to the front and sides of the site would be retained. All trees within the site would be retained and an additional 38 trees would be planted. There would be a large net ecology gain if the application was approved.
- The Planning Officer had been fair in his assessment of the application. Mr Mitchell felt that Members should not feel concerned regarding the Emergency Action Plan because if approved there would be a pre- commencement Grampian condition added.
- Sainsbury's in Tadley, did not have an Emergency Action Plan for its site.
- Primarily the development was outside of the settlement boundary however, it was adjacent to the settlement boundary of Tadley.
- The applicant accepted that Planning Officers had highlighted that there would be some impact to the landscape as a result of the scheme however, this would be mitigated by buffer strips to the front and sides of the site.
- There were limitations regarding what else could be done to change the application.
- Mr Mitchell did not agree with the Officer view stated within the report that there was no need for the scheme. £81m was spent by the residents of Tadley in Newbury, Reading and Basingstoke, which was not sustainable.
- There had been an unprecedented response to the scheme. The applicants own consultation had revealed that 94% supported the application, 5% objected and 1% were undecided. The consultation clearly showed that there was an acceptable level of need in the area for the scheme.
- The scheme was sustainable and would provide economic development through increased jobs in the area. It would offer affordable shopping choices to the community.

Member Questions to the Agent:

Councillor Alan Macro queried why an access off Silchester Road had not been considered. Secondly, he noted that Mr Mitchell had stated that there was a high number of people in the local area who wanted the store. He asked if he was right in thinking that the applicant had put a lot of effort into encouraging letters of support. Lastly, Councillor Macro asked if other locations which had been considered had included the site where Reading Warehouse had once operated. Councillor Alan Law felt that Councillor Macro's second question relating to the level of support was misleading and stated that Mr Mitchell did not have to answer this question.

Mr Mitchell referred to Councillor Macro's first question on whether an access from Silchester Road had been considered. It had been recommended by the applicants Highway's consultants that this option was not suitable due to the amount of land available. An access from the A340 was the best solution that caused the least obstruction. All the necessary modelling and assessments had been carried out and Highways Officers were satisfied with the proposed access.

Regarding the sequential test, Mr Mitchell confirmed that other sites had been explored however, the chosen site had been deemed the best and most suitable location. Regarding Councillor Macro's question on whether the Reading Warehouse site had been considered, Mr Tookey stated that this site was inferior to the application site and in policy terms would not be acceptable. It was a brownfield site but would be too small for a Lidl store or to compete with the local Sainsbury's store. Unlike the application site, the former Reading Warehouse site was not adjoined to the town centre of Tadley.

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Councillor Geoff Mayes had noted at the site visit that HGV vehicles would need to back into the entrance of the site. It was possible that some of vehicles might wish to turn right out of the site but would not be able to do so and Councillor Mayes queried if this was correct. Mr Mitchell confirmed that vehicles could turn right out of the site. Councillor Law suggested that Members revisit this point when posing questions to Officers.

Councillor Andy Williamson noted that the site was a greenfield site however he had also noted the point that members of the community were travelling further to fulfil their shopping needs. He queried if an assessment had been carried out on this point to see what environmental impact was being caused. Mr Mitchell stated that no assessment had been carried out however the figures were stark. Two thirds of convenience goods spend by local people was not spent in Tadley. Surprisingly there was a lot of spending taking place at Sainsbury's in Calcot. There seemed to be a mass exodus taking place by people who were unable to satisfy their shopping needs in Tadley. Mr Tookey confirmed that 65% of local spend was leaking outside of Tadley. Councillor Law asked what percentage was spent in Newbury however, Mr Tookey did not have the figures to answer this question.

Councillor Ross Mackinnon referred to one of the potential reasons for refusal regarding the absence of an Emergency Action Plan. He noted that Members had been advised by Mr Mitchell that they should not be wary of this fact. Councillor Mackinnon asked if the applicant had been working with the Emergency Planning Officer to rectify the situation. Mr Mitchell confirmed that they had met with the Emergency Planning Officer on two occasions and were not far away from having an Emergency Action Plan that was acceptable. Councillor Mackinnon stated that he would have thought the applicant would have wanted to present an adequate Emergency Action Plan to the Committee. He queried how Members were supposed to feel confident that an adequate Emergency Action Plan would be produced if approval was given. Mr Mitchell stated that they were still awaiting comments from the Emergency Planning Officer and some responses had not been received as quickly as they could have been. Good progress was being made and potential issues were being reduced to a small number.

Ward Member Representation:

Councillor Dominic Boeck in addressing the Committee raised the following points:

- He reiterated points made about the level of desire for such a facility and the retail offering that would be provided.
- The Planning Officer's report indicated that the main reasons for refusal submitted by objectors included traffic, loss of amenity and that the application went against planning policy. If looking overall however, there was an overwhelming level of support for the application. Councillor Boeck stated that he had received more unsolicited approaches from members of the public regarding this application, than for any application in the past.
- The community wanted more choice of retail offering within the local area. The application would benefit the economic development of the area.
- There would be increased amenity and welfare if the application was approved.
- He acknowledge the points raised regarding the location of the scheme and visual impact however, he felt that this would be marginal.

There were no Member questions for the Ward Member.

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Member questions to Officers:

In response to Councillor Mayes' question about whether HGV vehicles would be able to turn right out of the site the Highways Officer could see no reason why they would not be able to do so provided there were no other vehicles queueing to turn into the site from that direction. He referred to two other stores on the road into Reading which had a similar arrangement. Councillor Alan Law queried what would happen if vehicles were not able to turn right. The Highways Officer confirmed that there were several junctions in the area which would allow traffic to double back or there was a roundabout at the other end of the High Street which would enable traffic to turn around.

Councillors Alan Law asked why the Emergency Action Plan had not yet been completed. Michael Butler replied that the statutory body for health and safety around Nuclear Establishments (ONR) still had a holding objection to this application. However, if the Emergency Planning Officer for West Berkshire was content with the Emergency Action Plan which would be prepared by the applicant then the ONR would be willing to remove the holding objection. His understanding was that the applicant was still in discussions with the Emergency Planning Officer in relation to the Action Plan. If Members were minded to approve the application then a condition could be included to ensure that the Emergency Action Plan was approved prior to any development starting on the site. However, the Officer opinion was that the Action Plan was not safe as yet. David Pearson confirmed that the application site was in the Inner Zone and therefore he felt that it would be unwise to grant the principle of planning permission and to rely on the condition. There was also a possibility that if the application was approved with that condition then it could be called in by the Secretary of State.

Councillor Andrew Williamson stated that if the application was approved with that condition then the Action Plan could be approved. However, if discussions around the Action Plan dragged on then the condition could be appealed after six months. It would be up to Members of the Committee if they wanted to take that risk, however, the Officers' view was that as the site was in the Inner Zone then the plan needed to be approved prior to planning permission being granted. The Legal Officer queried who had put forward the idea of conditioning the completion of the Emergency Action Plan. David Pearson confirmed that this had been suggested by the Emergency Planning Officer.

Councillor Alan Macro noted at the site visit that there were a large number of flats close by and he asked what affect the development would have on them. Michael Butler responded that there would be a degree of noise etc. but he did not consider that it would be so harmful to merit a reason for refusal on that ground. Councillor Macro felt that the affect would be more of a visual one which could be a reason for refusal.

Councillor Jo Stewart was concerned about the precedent which would be set in allowing this development on a greenfield site and she asked what would prevent that becoming more widespread. Michael Butler confirmed that this was the main reason that Officers were recommending refusal of the application on policy grounds as it was a departure from the Development Plan. Councillor Alan Law advised that Members of the Committee needed to determine what the exception was in this case should they be minded to approve the application.

Debate:

Councillor Law introduced the debate by stating that the Planning Officer's reasons for refusal had been made on balance. The site was located within West Berkshire Council's countryside and was up against the settlement boundary. It was clearly within the countryside and outside of the settlement boundary. If Members were minded to approve the application, clear reasons for this decision would need to be given so that a

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precedent was not set. Councillor Law stated that if the application was approved the Planning Officer would review the matter and it was likely that the ultimate decision would be referred to the District Planning Committee.

Councillor Williamson asked if Members of the Committee could reference the application to District Planning Committee and Councillor Law confirmed that this was a third option for Members to consider. Councillor Williamson fully understood the Planning Officers' balanced view. He stated that he felt minded to support the application with the relevant conditions added. He was conscious that the site was greenfield and that a climate emergency was being faced however, he felt that the travel taking place to access retail choices further away was offsetting concerns about development of a greenfield site.

Councillor Jo Stewart concurred with the views of Councillor Williamson. She felt overwhelmed by the amount of support for the application. Councillor Stewart stated that she had originally felt undecided about the application however, this had changed when listening to the views of supporters. Councillor Stewart knew the area of Tadley well and it had grown substantially in the last 10 to 20 years. It was important that the community were able to access retail choices in the close vicinity without having to travel too far. Councillor Stewart was however, concerned about the precedent that might be set if approval was given for development of a greenfield site.

Councillor Macro stated that he was surprised about the level of support in relation to the application. He was not supportive of a greenfield site being developed for retail use. He was also concerned about the close proximity to AWE. He therefore proposed that Members approve the Officer recommendation to refuse planning permission, including the additional reason for refusal included in the update report regarding the requirement of an Emergency Action Plan. No seconder was found for this proposal.

Councillor Mayes queried what would happen to children if parents found themselves stuck in the store in the event of an emergency. Councillor Law noted the point however, he reminded Councillor Mayes that Members were in debate.

Councillor Royce Longton queried if he was correct that a major housing application for Tadley had been refused at appeal. Mr David Pearson stated that what Councillor Longton was referring to was a Basingstoke and Deane planning application. The housing site had been allocated before the MOD had taken a strict line regarding the emergency zone. An appeal against refusal of the application was dismissed, however the Secretary of State had called the application in as it had been allocated prior to the MOD's strict line on development in the emergency zone and then granted planning permission. The Secretary of State subsequently allowed the appeal, overturning the Inspectors decision. All Local Authorities within the safety zone now had to follow the same process to ensure safety levels were assessed.

Mr Pearson reminded Members that case law was clear that the level of public support for or objection to an application was not a material planning consideration.

Councillor Williamson proposed that the application be approved subject to conditions discussed. He felt that because the proposal would reduce the length of car journeys, this outweighed the impact to the greenfield site. He therefore felt that the application was acceptable. The proposal was seconded by Councillor Stewart.

Mr Butler highlighted the conditions that would be included if the application was approved. Councillor Law reminded Members that it was possible the application would be referred to District Planning Committee if approved. Mr Pearson added that a S106 agreement would need to be completed in respect of the landscaping proposed outside of the red line if Members were minded to approve the application. He suggested that the applicant be given three months to submit and complete a S106 agreement and if the

EASTERN AREA PLANNING COMMITTEE - 4 DECEMBER 2019 - MINUTES

agreement was not completed within this time period the application should be refused on this ground.

Councillor Law invited Members of the Committee to vote on the proposal by Councillor Williamson, seconded by Councillor Stewart including the requirement to complete a S106 agreement prior to planning permission being issued, or refusal if the agreement was not completed within this time period and the conditions suggested by officers. At the vote the motion was carried.

On advice from the Development Control Manager, Mr Pearson advised that the application would be referred to the District Planning Committee for final decision.

RESOLVED that conditional permission be granted contrary to officer recommendation, subject to the completion of a S106 agreement within 3 months in respect of strategic landscaping and subject to conditions proposed by officers. Application to be refused if S106 not completed within 3 months.

The application was referred up to District Planning Committee due to its strategic implications for delivering the policies of the development plan across the district.

Conditions

- 1—Standard 3 year time limit
- 2—Approved plans
- 3—External facing materials –samples
- 4—Landscaping
- 5---Hard surfacing treatment
- 6—Emergency plan—pre condition
- 7—Levels
- 8—Drainage
- 9 –Car parking/layout
- 10—Range of goods/lines restricted to 3500 total
- 11—BREEAM excellent
- 12- Highways –s278 agreement –right hand turn lane
- 13—Forward visibility splays
- 14—Restriction on hours of trading –reduced on Sundays and Bank holidays
- 15—WSI required –archaeology
- 16—Thames Water. Protection of water main
- 17---Tree protection conditions
- 18—Implementation of travel plan
- 19—Working hours restrictions
- 20—Construction management plan
- 21—Dust suppression during construction
- 22—Noise from external plant—controls
- 23---Boundary treatment

(The meeting commenced at 6.30pm and closed at 8.10pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(1)	19/02490/FUL Woolhampton	29 November 2019		Section 73A: Variation of 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 day rooms, two mobile homes and two touring caravans, for occupation by Gypsies/Travellers. Creation of new access onto highway. Enclosure of site by fencing. Land West Of Hill Place, Bath Road, Woolhampton, Reading, Berkshire Tammy Black

¹ Extension of time agreed with applicant until 31/01/20.

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02490/FUL>

Recommendation Summary: The Head of Development and Planning be authorised to GRANT planning permission.

Ward Member: Councillor Pask.

Reason for Committee Determination: Councillor Pask called in the application given the site history and the retrospective nature of the development.

Committee Site Visit: 2nd January 2020.

Contact Officer Details

Name: Michael Butler
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Michael.butler@westberks.gov.uk

1. Introduction

- 1.1 This application seeks planning permission for the variation of two conditions applied to the planning permission granted by the Council last year, under reference 19/00031/FUL. This was a retrospective application for a new gypsy site, comprises two mobile homes, on land off the layby at Hill Place, in Woolhampton.
- 1.2 The two conditions in question are firstly number 3, which applied to the full completion of the site (including the two day rooms) within 3 months of the date of the original permission. This would have meant that by the 30th November 2019, the scheme should have been completed. This has not occurred.
- 1.3 Secondly, consequent to the above, condition 12 would need to be amended in order to keep the decision notice internally consistent. Condition 12 currently reads that within one month of the date of the permission (i.e. by the 30th September 2019) the unauthorised shed on the site should be removed. This has not occurred. The applicant is seeking a consequent revision of the permission to ensure the shed is removed on completion of the two day rooms.
- 1.4 The applicant is now seeking the completion of the day rooms and all the other permitted works on site within one year of the original permission date (i.e. by the 30th August 2020). The reason behind the delay is apparently a dispute with the Council as to whether the dayrooms fall within Use Class C3 (dwellinghouse) which would be liable to a CIL charge. Such financial matters are not normally material planning considerations. However in the case of Gypsies this can be a consideration, as discussed below.
- 1.5 Where an application to retrospectively vary conditions under section 73A is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. It is therefore necessary to ensure that the notice is consistent and reflects any physical changes on the ground. The only condition that cannot be changed by this mechanism is the time period for implementing a permission, but in this case the application was retrospective so this becomes irrelevant.
- 1.6 For comparison purposes, and clarity, set out in Appendix 1 to this report is a copy of the extant permission, number 19/00031/FUL, which subsists on the site.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
19/00031/FUL	Retrospective application for the siting of two day rooms, two mobile homes and two touring caravans, for occupation by Gypsies/Travellers. Creation of new access onto highway. Enclosure of site by fencing.	Approved 30/08/2019
19/02438/COND1	Application for approval of details reserved by conditions 3 (landscaping - in part) and 5 (access	Approved

	surfacing) of planning permission reference 19/00031/FUL.	11/12/2019
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3. Procedural Matters

- 3.1 A site notice was displayed at the application site on 08/10/2019, with a deadline for representations of 29/10/2019.
- 3.2 The day rooms are CIL liable. At the time of writing this report advice is being taken as to whether the mobile homes should also be CIL liable: it is known that Council tax is being paid. The mobile units are plumbed in for drainage purposes.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Woolhampton Parish Council:	Objection. The applicant at the time of the original permission being granted, did not object to the conditions being applied. They should have been responded to in adequate time. Accordingly object .If the officer is minded to approve the application, it should be taken to Committee given the contentious planning history.
WBC Highways:	No objections. Previous highways conditions should apply.
Emergency Planning:	No objections.
Office for Nuclear Regulation:	No objections.
Network Rail:	No response received.
Lead Local Flood Authority:	No objections to the new timescales.

Public representations

- 4.2 No public representations have been received at the time of writing this report.

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 are relevant to the consideration of this application.

- Policies ADPP1, ADPP6, CS1, CS7, CS8, CS13, CS14, CS16, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

5.2 The following documents are relevant material considerations:

- National Planning Policy Framework (NPPG)
- Planning Practice Guidance (PPG)
- MHCLG Planning Policy for Traveller Sites (August 2015)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Whether the proposed elongation of the approved timescales for compliance with the conditions on the original permission are acceptable, having regard to the relevant planning policies and any harm arising.
- Whether any further changes are required to the other conditions of the original planning permission.

Elongation of timescales

6.2 The Council as local planning authority, by virtue of granting permission already to the gypsy site, has accepted the principle of the use of the land for the stationing of the caravans and associated development/paraphernalia. There is no dispute that the site continues to be used for its now authorised purpose, so it is accepted that the principle of development is now satisfactory. Section 73A of the Town and Country Planning Act 1990 allows applicants to submit applications for a retrospective variation of conditions. Any unauthorised development is undertaken at the applicant's own risk, since such application can of course be refused. Taking each of the conditions in turn:

6.3 Condition 1 (approved plans) will not change.

6.4 Condition 2, regarding the limits of development on the site, will not alter. It will still be the two dayrooms, the two mobile units, and the two touring caravans.

6.5 Condition 3 now proposes that the 2 dayrooms are built by the 30th August this year. This will give ample time for the applicant to build out these structures. It is also the case that in originally applying for these dayrooms it is assumed that the applicant must have wanted them to be on site, and so it is reasonable to assume that there remains an intention to complete these. It is also apparent that the introduction of the dayrooms will not be harmful to local visual amenity to any noticeable degree. It was open to the applicant to seek a variation in the original permission to delete the requirement to construct the dayrooms completely. Without prejudice, this remains an option.

6.6 Condition 4 required the provision of access gates set back 5 metres from the edge of the highway within one month. This condition is no longer required because the gates have been removed.

6.7 Condition 5 (now 4) regarding the surfacing arrangements for the access remains in place, but the wording is amended to reflect the condition being now partially satisfied through the removal of the gates and the bonded material laid down.

- 6.8 Condition 6 (now 5) corresponds to the continuing restriction of the occupational use of the site by gypsies. This remains necessary as this was the premise upon which permission was originally granted.
- 6.9 Condition 7 (now 6) ensures as before that no commercial uses persist on the site for reasons of amenity. This remains necessary.
- 6.10 Condition 8 (now 7) must remain as this seeks to control any external lighting on site.
- 6.11 Condition 9 relates to a scheme for protecting the occupiers from external noise to be submitted within 3 months of the date of the permission (i.e. by the 30th November 2019). This has not been achieved. Given that the occupation of the site is by the applicant only, and given that this presumably is not an overriding concern for them due to the non-compliance of the condition, it is recommended, with the applicant's agreement that this condition be deleted.
- 6.12 Condition 10 related to the external facing of the fencing on the south and west being painted green. It is understood at the time of writing (following a site visit) that this has been done. Condition 10 does not need to be reapplied.
- 6.13 Condition 11 (now 8) of the original permission sought to ensure that by the 30th November 2019, details of sustainable drainage measures on site should be submitted to the Council for subsequent approval. This has not been achieved. This matter is clearly of significance given the past and continuing concerns about the physical stability of the application site on the raised ground, in relation to the railway line immediately to the south. Condition 11 (now 8) relating to sustainable drainage measures has been varied, in order to allow the applicant additional time to submit this information. If the permission is granted this would mean that by the 9th March 2020 the applicant would need to submit this information. This is some 6 months since the date of the original permission, which is a considerable time period.
- 6.14 Condition 12 (now 9) relates to the removal of an unauthorised shed. It is proposed to elongate this timescale since the additional visual harm caused by this minor structure is minimal in the surrounding context. Nevertheless it is necessary for removal within a reasonable timescale.
- 6.15 Condition 13 relates to a site investigation relating to land instability to be submitted by the 30th November 2019. This has not occurred. The same principle applies to that in condition 8. The applicant will, by then, have had over 6 months to comply with the submission of the details. This is considered to be entirely reasonable having regard to national guidance on such issues.
- 6.16 Condition 14 (now 11) restricts drainage on to Network Rail Land, which remains necessary as before.
- 6.17 Condition 15 (now 12) ensures the dayrooms, once built, are used only for their permitted use and for not for separate residential accommodation or sleeping accommodation, leading to an overdevelopment of the site. This condition remains necessary to ensure compliance with policy C1 in the HSA DPD.
- 6.18 In summary, the applicant was originally seeking to vary condition 3 to allow three years from the grant of permission to complete the dayrooms (i.e. by no later than the 30th August 2022). This was viewed by the Planning Officer as being far too long a period and would represent a condition that did not meet the reasonableness test as set out in paragraph 55 of the NPPF (conditions should be imposed only where they are necessary, relevant to planning and to the development being permitted, enforceable, precise and reasonable in all other respects). The planning officers consider that **the proposed revised conditions** as set out at the end of this report do meet all of these

tests, in that the wording of condition 3 has been varied to one year after the original consent date (30th August 2019), and the other conditions worded to reflect other issues pertaining on site.

- 6.19 Another factor which the Committee should take into account is the advice in the MHCLG Planning Policy for Traveller Sites, which is national policy that sits alongside the NPPF. This notes in paragraph 24(c) that in relation to gypsy/traveller accommodation the personal circumstances of the applicant **can be taken into account**. Accordingly, financial matters can be taken into account in this instance, such as in regards to the outstanding payment of the CIL charge for the dayrooms (circa £6,000). By extending the condition timescales the Council is taking this into account.

7. Planning Balance and Conclusion

- 7.1 Planning law, as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that local planning authorities, in determining planning applications must do so in accordance with the development plan, unless material considerations indicate otherwise. It is the view of your officers that whilst the submission of this application may be viewed by some as being unfortunate in the sense that the conditions of the original permission have not been complied with, the focus of the Council's decision must be on whether revised conditions are acceptable, having regard to the aforementioned tests of planning conditions in paragraph 55 of the NPPF.
- 7.2 The facts of the matter are that in economic, environmental and social terms the extension of time limits on the principal permission is acceptable, **on balance**, having regard to the alternative of a refusal, and an almost inevitable appeal given the retrospective nature of the development. If, however, subsequently the revised conditions on that new permission are not satisfied the Council would be in a robust position at a later date to take the necessary enforcement action (without prejudice).

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning **to GRANT PLANNING PERMISSION** subject to the conditions listed below.

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.

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).

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.

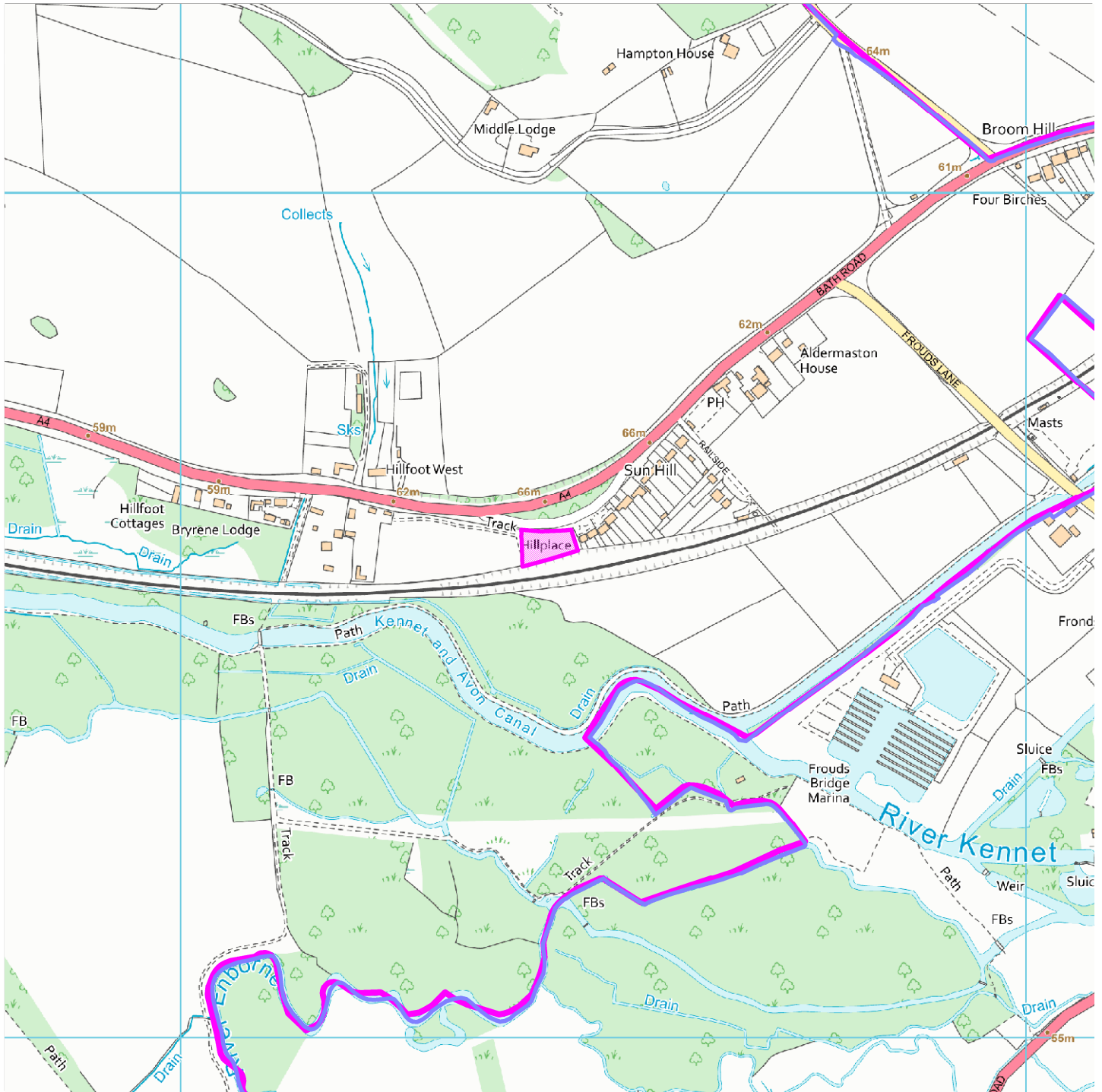
Reason. To ensure the site will not impact valued infrastructure in accord with Policy CS5 of the West Berkshire Core Strategy 2006-2026.

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.

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.



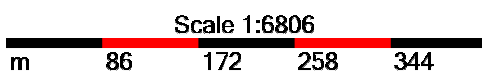
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	20 December 2019
SLA Number	0100024151



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WS Planning and Architecture
Spencer Copping
Europe House
Bancroft Road
Reigate
RH2 7RP

Applicant:
Tammy Black and James
Tombs

PART I - DETAILS OF APPLICATION

Date of Application

4th January 2019

Application No.

19/00031/FUL

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Retrospective application for the siting of two day rooms, two mobile homes and two touring caravans, for occupation by Gypsies/Travellers. Creation of new access onto highway. Enclosure of site by fencing.

Land West Of Hill Place, Bath Road, Woolhampton, Reading Berkshire

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council GRANTS RETROSPECTIVE planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-

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

Reason. To clarify the permission in accord with the advice in the DMPO of 2015.

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

Reason: The Council considers that 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 WBCS of 2006 to 2026.

3. Within 3 months of the grant of this permission the applicant shall ensure that the development is completed in accord with the revised block plan number CD03-Rev C. In addition within 1 month of the date of this permission a landscaping plan for the western buffer shall be submitted to the LPA for consideration. On approval such a plan shall be planted out to the satisfaction of the LPA within the next available planting season.

Reason. To enhance the visual aspects of the site in accord with policy CS19 in the WBCS of 2006 to 2026.

4. Within one month of the date of this permission the access gates where vehicles enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 5 metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

5. Within one month of the date of this permission, details of the surfacing arrangements for the vehicular access to the highway must be submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details, within one month of the date of the written approval.

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).

6. 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 accord with policy CS7 in the WBCS of 2006 to 2026.

7. No commercial use or activities shall take place on the red line application site at any time. Including the storage of any materials .In addition no vehicle 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 next to such a site would be harmful to amenity and not in accord with the advice in the NPPF of 2019.

8. No external lighting shall be installed on the site at any time unless a planning application for that express purpose is submitted to and approved in writing by the Council. Once approved the lighting must be erected in accord with the as approved scheme.

Reason. The site lies in the rural area where additional lighting would be harmful, in accord with the advice in para 180 of the NPPF.

9. A scheme for protecting the occupiers of the 2 mobile homes from noise from traffic on the adjacent roads and from noise and vibration from the railway lines shall be submitted to the local planning authority within 3 months of date of permission, for approval in writing. Any works which form part of the scheme approved by the authority, shall be completed within 6 months of date of permission, unless an alternative period is agreed in writing by the authority.

Reason: The occupiers of the development, without such a scheme, are likely to suffer from noise caused by the traffic and rail line, to an unacceptable degree. In accord with the advice in policy OVS6 in the WBDLP of 1991 to 2006.

10. Within 2 months of the date of this permission the external faces of the elevations of the south and west fencing shall be painted a dark green colour to the satisfaction of the Council.

Reason. To reduce the visual impact of the site in accord with policy CS19 in the WBCS of 2006 to 2026.

11. Within 3 months of the date of this permission, details of sustainable drainage measures to manage surface water within the site must be submitted to 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 by the Council, 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).

12. Within one month of the date of this permission the unauthorised storage shed on the site shall be removed in its entirety and the site left in a neat and tidy condition.

Reason: To ensure no proliferation of structures on the site other than those permitted by the Council, in accord with policy CS19 in the WBCS of 2006 to 2026.

13. Within three months from the date of this grant of approval, a site investigation of the nature and extent of any land instability must 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 in the WBCS of 2006 to 2026.

14. No surface water shall be discharged onto 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.

To protect valued infrastructure in accord with policy CS5 in the WBCS of 2006 to 2026.

15. The two day rooms hereby permitted shall only be used for purposes ancillary and 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 accord with policy C1 in the West Berkshire Council Housing Site Allocations DPD 2017.

The decision to grant Retrospective Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.
3. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

4. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

5. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure. Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Decision Date: - 30th August 2019



Gary Lugg
Head of Development and Planning

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online using the Planning Portal at www.planningportal.co.uk.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Plans and drawings relevant to reports
submitted to Eastern Area Planning Committee**

Wednesday 8th January 2020 at 6.30pm

**at the Calcot Centre, Highview (off Royal
Avenue), Calcot.**

[to be read in conjunction with the main agenda]

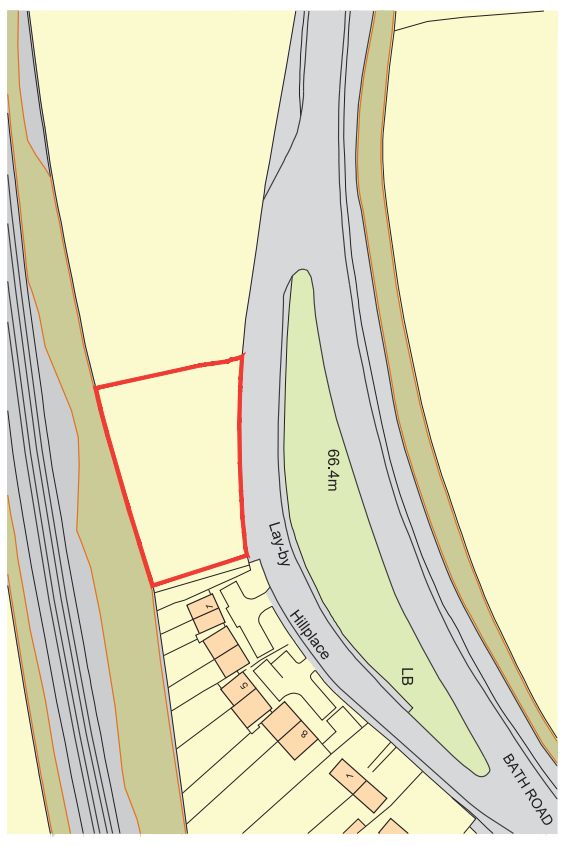
Please note:

- *All drawings are copied at A4 and consequently are not scalable*
- *Most relevant plans have been included – however, in some cases, it may be necessary for the case officer to make a selection*
- *All drawings are available to view at www.westberks.gov.uk*
- *The application files will be available for half an hour before the meeting*




19/02490/FUL
Land West Of
Hill Place
Bath Road
Woolhampton
Reading
Berkshire

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Rev	Date	Description
A	Jan 2019	Site boundary amended
 WSS PLANNING & ARCHITECTURE London Road Reading, RG7 2HP T: 01327 229711 F: 01327 228411 E: info@wsspa.co.uk W: www.wsspa.co.uk		
Scale	Client	Drawn By
1:1250@A3	Mr S Black	JJR
Checked	Project	Client
BW	Bath Pond Woolhampton Reading, RG7 SRH	Woolhampton Reading, RG7 SRH
Title		
Site Location Plan		
Drawn No	Scale	Rev
J003121 - CD01	A	A

Site Location Plan

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