

Notice of Meeting



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Eastern Area Planning Committee Wednesday 17 November 2021 at 6.30pm in the Council Chamber, Council Offices, Market Street, Newbury

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 16 November 2021, if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the Council Chamber. Remote attendance at the meeting is therefore encouraged at this time.

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, 9 November 2021

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report

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: planningcommittee@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 17 November 2021
(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 / jessica.bailiss@westberks.gov.uk

Agenda - Eastern Area Planning Committee to be held on Wednesday, 17 November 2021
(continued)

- To:** Councillors Alan Law, Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask (Chairman), Richard Somner and Keith Woodhams
- Substitutes:** Councillors Graham Bridgman, Jeremy Cottam, Nassar Hunt, Owen Jeffery, Joanne Stewart and Andrew Williamson
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Agenda

- | Part I | Page No. |
|---|-----------------|
| 1. Apologies To receive apologies for inability to attend the meeting. | |
| 2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 27 October 2021. | 5 - 20 |
| 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. Exclusion of Press and Public RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following item as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. Rule 8.10.4 of the Constitution also refers. | |
| Part II | |
| 5. Supplemental item regarding agenda item 6(1) - planning application for land at Lawrences Lane, Thatcham (21/02112/FUL) (Paragraph 1 – information relating to an individual) (Paragraph 2 – information identifying an individual) To consider confidential information relating to planning application 21/02112/FUL. | 21 - 26 |

Part I

6. 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: 21/02112/FUL - land at Lawrences Lane, Thatcham** 27 - 120
- Proposal:** Change of use to 7 no. Gypsy/Traveller pitches comprising 7 no. static caravans, 7 no. day rooms, 7 no. touring caravans and associated works.
- Location:** Land at Lawrences Lane, Thatcham.
- Applicant:** Ms C Gumble.
- Recommendation:** Delegate to the *Service Director – Development and Regulation* to refuse 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
Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.



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, 27 OCTOBER 2021

Councillors Present: Graham Bridgman (Substitute) (In place of Ross Mackinnon), Tony Linden, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask (Chairman), Richard Somner, Joanne Stewart (Substitute) (In place of Alan Law) and Keith Woodhams

Also Present: Sharon Armour (Senior Solicitor), Stephen Chard (Democratic Services Manager), Bob Dray (Development Control Team Leader), Paul Goddard (Team Leader - Highways Development Control) and Gemma Kirk (Planning Officer)

Apologies for inability to attend the meeting: Councillor Alan Law, Councillor Royce Longton and Councillor Ross Mackinnon

PART I

22. Minutes

The Minutes of the meeting held on 6 October 2021 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Item 21(1) – 21/01481/HOUSE – Oakingham House, Bere Court Road, Pangbourne (additional first paragraph beneath the debate):

Councillor Alan Macro was not supportive of the application. He shared the concerns raised by the Parish Council that this would be a large and overly prominent building in the landscape.

23. Declarations of Interest

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

24. Schedule of Planning Applications

(1) Application No. & Parish: 21/00488/FUL - 3 Goodwin Close, Calcot, Reading,

(All Councillors, with the exception of Councillor Keith Woodhams, declared a personal interest in Agenda Item 4(1) by virtue of the fact that the Parish Council representative, Mrs Mary Bedwell, was known to them. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

(Councillor Richard Somner declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Holybrook Parish Council. 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.)

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

(All Councillors declared that they had been lobbied on Agenda Item 4(1) by an objector to the application.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/00488/FUL in respect of a proposed change of use of dwelling house (C3) to residential care accommodation (C2).

Ms Gemma Kirk, Planning Officer, introduced the report to Members and highlighted the key points. Ms Kirk drew attention to the update report, which addressed the issue of refuse storage and a condition had been recommended for details of a refuse storage area to be provided before the use commenced on site. In conclusion, it was recognised there had been a significant amount of objection as outlined in the report, but it was considered that acceptable development could be secured by the use of conditions. It was considered that the social benefits of the change of use outweighed the impacts of the development and conditional approval was recommended.

Mr Paul Goddard, Principal Highways Officer, presented the section of the report on highways matters and highlighted the key points. In conclusion, he reminded Members that paragraph 1.11 of the National Planning Policy Framework stated that development should only be prevented or refused on highway grounds if there would be a severe impact and advised that in his opinion this proposal was not remotely close to having a severe impact.

In accordance with the Council's Constitution, Mrs Mary Bedwell and Ms Claire Tull, Parish Council representatives, Ms Angela Anderson and Ms Melissa Djogo, objectors, Mr Andrew Windress, agent and Mrs Shamim Hussain, applicant, and Councillor Richard Somner, Ward Member, addressed the Committee on this application.

Parish Council Representation:

Mrs Bedwell and Ms Tull from Holybrook Parish Council, in addressing the Committee, raised the following points:

- Holybrook Parish Council was in agreement with the 89 residents who had objected and strongly opposed the application.
- There appeared to be scant scrutiny of the build and form to ensure suitability of the proposed function. The built environment for special needs depended on need and one-size did not fit all.
- Asperger's required a different environment to autism or severe learning disabilities. There were no such accommodations within the proposal other than the basic consideration to make the bathroom and WC suitable for assisted use.
- The material consideration for disabled persons' access as stated in the Council's SPG had been completely ignored by Officers and omitted by the applicant. To state that access requirements would be considered 'as and when' was contrary to the Equality Act meaning the proposal was not inclusive.
- Children's Services had not provided any compelling evidence that change of use from C3 to C2 was strategically vital to their service.
- Relevant movements to and from the premises associated with C2 use must be properly considered, including shift patterns, visitors on a regular basis or access by emergency services. These factors would impact negatively on the amenity of immediate and adjoining residents.
- Specifically, the home proposed to cater for children with learning difficulties who might require 1:1 care during the day. That would make two shifts of five if the

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

Manager and Deputy Manager were also carers. The trip table in the report showed three staff twice per day Monday to Friday but weekends were not included. No visitors to the property were shown such as tutors, health care services, Ofsted, family etc. A realistic trip figure was more likely to be 32 as opposed to 24 trips which was not typical of a normal family household and represented a change in character of the dwelling through increased movement and disturbance. The inter-household movements to shuffle cars many times a day was not, on balance, acceptable.

- The concerns of adjoining residents had not been afforded fair and equitable consideration.
- The significant loss of amenity and long-term harm to the established community was not acceptable.
- The well attended site visit ably demonstrated that fundamental material considerations had been omitted or glossed over.
- The child demographic had been changed to special needs who would not be walking to school or using public transport but would be tutored on site or driven to a special school. This would mean more cars parked and more vehicle movements, and the trip table was biased and understated.
- There was no swept path analysis – the cars were shown as being parked at 90° but this was not possible as the drive was significantly lower and this critical detail was not shown on the plan.
- It was not acceptable under any circumstances to have cars double parked in front of an entrance door to a care home. The drive gradient was approximately 1:12 and was unacceptable for disabled person's access, with or without assistance.
- To create the car park as specified, the tree and hedge that were proposed to be kept would be damaged and extending the drop-kerb would encroach on the layby, a provision that served many residents.
- The proposed modifications and changes to the grounds would negate and destroy all of the previous positive aspects of the site.
- The conditions by Officers and the Police demonstrated that the property as it stood was unsuitable for change of use from a family home to a commercial/residential home.
- The fact that the Police objected and then demanded surveillance to deter crime confirmed the belief of residents that risk of crime and anti-social behaviour was a reality and would be avoided if the application was refused.
- The report referred to policy CS4 which was for new-build – should this proposal had been presented as a new-build it would have been rejected from the outset.
- The Parish Council's view was that this proposal fell short of the professional standards expected and should be rejected.

Member Questions to the Parish Council:

There were no questions raised by Members.

Objector Representations:

Ms Anderson and Ms Djogo in addressing the Committee, raised the following points:

- With regard to the boundary wall, when the matching wall at 1 Goodwin Close came down and a temporary fence was in place, a letter was received from the planning

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

team at the Council insisting that the wall must be rebuilt in the same material and style as at 3 Goodwin Close, otherwise it would materially affect the character and appearance of the street scene. Putting a fence behind the wall would mean that the boundaries no longer matched and would cause an imbalance that would detract from the character and appearance. The proposed fence would not make the property any safer because of the metal railings in the alleyway.

- CCTV could be installed but it was questionable as to what this would achieve. Staff would not be able to monitor the CCTV constantly and its presence would not prevent crime from occurring.
- It appeared the reason the Police were asked to give a response to the application was because there was concern by the Planning team that there could be an increase in crime. None of the suggested actions would reduce the potential for crime or allay the residents' fears.
- The fear of crime was a genuine one - the crime rate would go up as proven by every other residential children's care home in the UK.
- Research into Ofsted regulated children's homes found there to be safeguarding issues as children in these settings were vulnerable to exploitation by people involved in crime, including drug gangs. The prospect of anti-social behaviour, damage to property, graffiti and intimidation was not wanted in Goodwin Close.
- With regard to vehicle movement, Highways based the average movement on a 4 bedroom house. 3 Goodwin Close was a 3 bedroom house with the fourth bedroom being a box room and not legally a bedroom.
- The staff changes would take place at 10:00 PM and 6:00 AM every day which would disturb residents and would be well beyond normal movement. This was unacceptable.
- Other residents of Goodwin Close had obeyed their deeds to ensure their property was not used for any purpose other than a private dwelling, or for any purpose or in any manner which might be or might grow to be a nuisance, annoyance or cause damage. The same covenant applied to 3 Goodwin Close indicating that this change of use was against the law.
- The Council's original planning permission for the whole of Fords Farm stated that "following completion of the development, no further commercial or industrial activity shall take place within the site". It was queried therefore how the Planning Officers stated in their report that the change from C3 to C2 use would remain similar to a family home when in excess of seven staff would be employed on a daily basis, each of whom would be drawing a salary.
- The care home would be a commercial business with local authorities paying the applicant a large sum for each child's placement. It would be a commercial transaction with the enterprise being for commercial gain which was against the Council's own rules.
- CCTV installation would impact tremendously on the six properties that bordered 3 Goodwin Close. These properties all housed young children and all the parents were concerned about the invasion of privacy. The alleyway alongside 3 Goodwin Close and the wall would mean cameras would have to be sited at a high level impinging on the privacy of the surrounding gardens. The alleyway was accessible from a hidden part of the garden, which was not secure or safe. There were alleyways and open areas in close proximity which young people could congregate in.

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

- With the increase in vehicle movements and parking of four cars on the driveway, there was concern as to where emergency vehicles would park should an emergency occur. If an emergency took place at night with only one member of staff on site, there would be no back-up should the child need to be accompanied to hospital. In addition, one car would be trapped by three others on the drive and it would be tempting for this vehicle to drive over the pavement and layby to leave the property.
- Ms Anderson stated that she had worked in special needs for 17 years and it was her professional opinion that the home would not offer safe and secure facilities. Looked After Children with special needs usually stayed for short periods of time with the clientele changing frequently and they might have been moved from their home area over concerns for their safety.
- The turnover of residents was expected to be high and continuity of staff and residents would be compromised. The applicant's belief that suitably qualified staff would live within walking distance of the property was misplaced.
- The applicant had established tenants in the property whose child attended the local school and when they began their rental they had been given reassurance by the applicant that their rental would be long-term. Approval to this change of use would therefore likely make the existing tenants homeless.

Member Questions to the Objector:

Councillor Bridgman said that reference had been made by the Parish Council and the objectors to access for emergency vehicles. Councillor Bridgman said that if he owned a property in Goodwin Close, he assumed he would be at liberty to remove the front fence or any hedging at the front in order to drive his vehicle onto his lawn for parking purposes so he wondered why it was the case that emergency vehicles would be denied access to this or any other property along Goodwin Close. Ms Anderson responded that the two cars immediately to the left of the garage were double parked and impinged on the entranceway into the front door so those two vehicles would have to be removed in order to get a stretcher or patient chair through the front door which was at a tight left angle which then went into a right angle over a raised threshold. Therefore the access was very restricted if there were two vehicles parked alongside the garage.

Applicant and Agent Representations:

Mr Windress (Agent) in addressing the Committee, raised the following points:

- The Officer's report and presentation had been very clear and had addressed all material planning considerations including all relevant national and local policy.
- The Highways Officer had addressed a number of the comments made by the Parish Council and the objectors.
- As detailed in the report, changes had been made to the application at the request of Officers with respect to parking, the boundary treatments and the CCTV which the applicant was able to accommodate. The applicant and agent were happy to see further conditions and for those issues to be addressed again in further detail.
- Mr Windress agreed that the landscaping in the front garden could be retained.
- As noted in the report, Children's Services were in support of the application and had stated that this was a suitable area for the proposed use.
- The deeds on the title to the property were not a material planning consideration but were a civil matter.

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

- With regard to the matter of accommodation, this was examined through legislation by Ofsted and others.

Mrs Hussain (Applicant) in addressing the Committee, raised the following points:

- High quality care would be provided for the children with assessments to be carried out around risk, the environment and area, the neighbours and there would be a matching assessment to make sure the children would be compatible with the neighbouring area.
- With regard to the CCTV, it would be used to monitor the location and not the neighbourhood and there would be stickers and signs displayed on the property to notify any potential visitors. This would be in accordance with GDPR guidelines.
- There was insufficient evidence that the proposed development would result in more crime in the area. The children would receive 1:1 supervision whilst in the community.
- Vulnerable young people would be given a loving and nurturing environment to thrive in and create some positive friendship groups with other children in the area. The young people would not cause a disruption but would be supported to learn and grow as individuals within the community.
- Special needs children were given educational placements.
- There were no factors that would cause long-term impacts and the children would be provided with high quality care.
- The home would have the necessary number of staff on shift to manage the needs of the children and there would be enough space for emergency vehicle parking if needed.

Member Questions to the Agent/Applicant:

On the issue of accessibility both into and within the property, Councillor Stewart sought confirmation on the needs assessments to be carried on the children and whether this meant the children would not require additional accessibility provision as alluded to in Mrs Hussain's statement. Mrs Hussain said individual assessments would be carried out on a needs basis and the home environment and the neighbourhood would be reviewed to ensure the needs of the children could be met.

With regard to parking at the property and vehicular movement, Councillor Stewart referred to the Parish Council's query as to whether visitors to the property had been factored in and asked whether there was an expectation that family would be visiting the children at the property. Mrs Hussain said that would depend on the individual child's circumstances and wishes which might mean that a child was visited by family at the home or met with family in the community, for example at a cafe. Mrs Hussain said community visits would be considered as a way of limiting the impact of visitors at the home and if a child was not visited at home by family, then the visit could take place in the community.

Councillor Macro said he understood from the report that the children would be transported to school and asked whether that would be facilitated by the use of an additional vehicle such as a minibus. Mrs Hussain confirmed the home would have a car for the purpose of transporting the children. Mrs Hussain said staff would be encouraged to travel to work either by car sharing, walking or by bicycle, to avoid congestion of vehicles at the property.

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

Councillor Macro asked whether the children would be accompanied by staff at all times when accessing the community, for example going to the local park or going for a walk. Mrs Hussain said the children would receive 1:1 support at all times when out in the community so they would never be unaccompanied.

Councillor Bridgman sought clarification on whether it was expected that the resident children would be attending an educational establishment during the day and Mrs Hussain confirmed that would be the case. Referring back to the trip table contained in the report, Councillor Bridgman said there appeared to be a contradiction between the hours stated and the proposed condition with regard to shift change timings. The report stated that between 8:00 AM – 4:00 PM there would be one Manager and two support staff and asked why that was necessary if the children would be at school during the day. The report went on to state that between 4:00 PM – midnight there would be three staff members and between midnight and 8:00 AM there would be one waking night staff member. Councillor Bridgman assumed that the proposed condition would change those shift patterns as it intended there to be no movement between 10:00 PM and 6:00 AM. Mr Windress said the trip table in the report had been formed before changes had been proposed, since when the issue had evolved to meet the requirements of the Planning Officer and Highways. Mrs Hussain said whilst the plan was for all children to access education, staff would be in place to look after the children within the house during term-time if it was necessary and during school holidays. With regard to the shift pattern, Mrs Hussain said the rota would have to be looked at before she could answer the question of timings. Mr Windress added that the shift patterns in the report covered weekends, school holidays and children who might not be going to school, but clearly there would be vehicular movement around 8:00 AM with staff arriving or children going to school and then again between 3:00 to 4:00 PM depending on the needs of the children. Mr Windress reiterated the report contained the original shift patterns submitted by the applicant and confirmed there would be no shift changes between the hours of the condition.

Councillor Bridgman sought clarification that there were no current plans to make any adaptations within the property to make accommodation for the children and Mrs Hussain confirmed that was the case.

Councillor Mayes asked whether the daytime staff would undertake domestic activities or whether they would be solely looking after the children and there would be additional staff to carry out domestic duties. Mrs Hussain said if the children were at school the staff would do the cleaning during that time and this aspect was not considered to be an issue and confirmed there would be no extra staff at the property for domestic purposes.

Ward Member Representation:

Councillor Somner, in addressing the Committee, said that he wanted to explain to residents that he would not be addressing the pros and cons of the application since until very recently the Ward had two Members, one of whom had sadly, recently passed away. Therefore, Councillor Somner felt it would be better to take part in the debate by listening to all the representations made and make his own representation as the debate continued as he saw fit.

There were no Member questions for the Ward Member.

Member Questions to Officers:

Councillor Bridgman asked Officers what an applicant for this property in C2 could do regardless of planning permission in accordance with permitted development, specifically in the following areas:

1. The height of an external fence.

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

2. Changing the nature of the front garden from grass to block paving, as proposed, with Councillor Bridgman preferring to see a more permeable solution.
3. Removal of trees, bushes, hedges, etc.

Ms Kirk confirmed that under permitted development:

1. The height of an external fence, if not adjacent to a highway used by vehicular traffic, was 2M and 1M if adjacent to a highway used by vehicular traffic.
2. For a householder, there were permitted development rights for a hard surface in the front garden, with conditions related to drainage.
3. Removal of trees and hedges was permitted at this property as there were no TPOs and the property was not in a conservation area.

Councillor Macro referred to concerns raised by the Parish Council and objectors around suitability of the property for children who might be disabled and asked whether there was any permission or licencing from other authorities which might be required before the property could be used as a children's home. Ms Kirk said there were a number of pieces of legislation and guidance which applied in the sector, including the Children's Act 1989, Care Standards Act 2000 the Children's Home Regulations 2015 as well as Ofsted who would carry out regular inspections.

Councillor Pask referred to Councillor Mayes' query about dropped kerbs and asked whether this required a licence or whether they would be subject to Planning. Mr Goddard said that because Goodwin Close was unclassified, the only requirement was for a Vehicle Crossing Licence to widen the access should it be necessary and planning permission would not be required and would not be subject to consultation.

Councillor Stewart concluded from earlier representation that the children might receive visitors to the house and asked whether visitors had therefore been included in the calculation of 18 to 24 movements per day at the property. Mr Goddard said visitors to the property had not been included in the calculation because documents submitted by the applicant in April 2021 stated "appointments to see medical specialists and care support services are taken off site and do not involve personnel travelling to the property itself". With regard to family visitors, Mr Goddard said this particular aspect had not been included in any of the submitted documentation and whilst he did not consider it unreasonable to assume that family visits would take place from time-to-time he did not consider the number of visits would be sufficient to change the overall calculation.

Councillor Mayes asked whether there would be a new gate across the entrance to where the proposed four cars would be parked and Mr Goddard said there would not be a gate. Councillor Mayes asked whether the three cars to the left, as shown in the drawing, would completely impede the entrance to the actual property. Mr Goddard clarified that parking spaces 1, 2 and 3 as shown in the report were existing already and in common with other properties in the area. It was normal to have parking in front of the front door but he envisaged that there would be sufficient space either side of the parked cars for visitors to walk to the front door.

Councillor Somner asked what the view was on the covenants on the deeds of the properties across the estate as to whether they could be easily dealt with. Mr Dray said that covenants were not typically material planning considerations and the granting of planning permission would not alter them in any way. Councillor Somner asked whether it was correct that despite the list of possibilities within this Class that this could only be used for the prescribed use as per the application, therefore other establishments listed within this Class would not be possible without further application. Ms Kirk said a condition had been recommended for the property to be restricted to three children

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

between the ages of 8 and 18 in residential care accommodation so any other C2 use would have to be applied for in the usual way.

Councillor Bridgman invited comment on the issue that a blanket condition applied across Fords Farm that removed the question of commercial use of the housing yet an application could be made to remove that condition. Mr Dray said this had been addressed in the update report as follows:

“Following the completion of the development no further commercial or industrial activity shall take place within the site. Reason: To preserve the residential amenities of the area.

This condition restricted such uses taking place without planning permission, but it did not prevent an application being made for any such activity. Any such application would need to be considered on its individual merits. As such, this condition did not have a significant material bearing on the consideration of this application. Nevertheless, the impact on the character of the area and residential amenity was a material consideration which had been addressed in the report.

Councillor Somner referred to the comment made by Children’s Services in the report that in terms of location, the proposed children’s home was relatively close to two existing children’s homes run by a different company and asked how near to Goodwin Close these other homes were. Ms Kirk replied that she did not know the location of the existing children’s homes referred to.

Debate:

Councillor Somner said he believed there was another property fairly near to Goodwin Close that was being used for the same, or similar purpose. Councillor Somner said he believed this would be a large part of residents’ concerns, which he understood. However, whilst understanding the residents’ concerns, Councillor Somner was also able to understand the perspective of Children’s Services in relation to their need.

Councillor Stewart disagreed with some of the comments about there being no need for this type of facility and totally understood the rationale for wanting to place children with additional needs within a home environment which was better for their wellbeing. Councillor Stewart said she was disappointed with the assumption that children with a learning difficulty would be connected with crime in the area. However, based on the knowledge she had of the area, she was aware of the increase of traffic connected with a relatively new property adjacent to the proposed application site. Photographic evidence indicated that there were already cars parked on the pavements in proximity of the application site causing a restriction to pedestrians. Councillor Stewart also felt that 18-24 vehicle movements per day was fairly excessive and she understood why neighbouring residents might have concerns.

Councillor Macro said he initially shared the concerns of the Parish Council and residents but felt that these had now been addressed. Whilst one of the main concerns had been that the children would be associated with anti-social behaviour, Members had been reassured that the children would be accompanied by an adult when accessing the community. With regard to the suitability of the property, particularly the entrance and internally, Officers had reassured that Ofsted would be required to approve the specification. In relation to traffic and parking, Councillor Macro said that very close to the application site there was a property that housed six adults with learning disabilities and he had noted recently that at that particular property there was just one car parked together with a minibus and he assumed that a number of the staff that worked there arrived by public transport. The only issue that he had with that particular care home was that it generated quite a large amount of general waste and recycling though that had

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

been addressed in the update report in relation to the proposed application site. In conclusion, Councillor Macro said he proposed to agree to the recommendation to grant approval of the application.

Councillor Linden said his experience of living in the area for many years was that there were a number of people with learning disabilities living and exercising in the area with support. Councillor Linden noted that the number 26 bus service was very regular in the area due to its vicinity to Southcote and there was also the number 1 service from Newbury and Thatcham which meant there was a reasonable amount of public transport available in the vicinity. Councillor Linden shared concerns about vehicular movements near the site but felt the issue should be viewed under planning requirements as some of the concerns felt by residents did not fall under planning considerations.

Councillor Somner said with regard to the Ofsted inspection this would take place after approval for the application had been given so could not be afforded any weight insofar as whether or not to grant approval to the application. In addition, there was a frequent bus service running in both directions of the road and this contributed to the fact that the road was already a busy one as it was the main feeder into the estate and carried a lot of traffic.

Councillor Bridgman said whilst he had sympathy with some of the views that had been expressed, a lot of the objections fell away when looking at permitted development rights which left the pertinent issue of change of use from C3 to C2 and whether this was a suitable location. Councillor Bridgman said a balance had to be struck between the need of the Council and of society to accommodate children in a safe environment and the views of the community in relation to that. Councillor Bridgman agreed with Councillor Stewart that there was a need for children's accommodation and felt that on balance the need for such accommodation displaced the views of the other residents. Whilst taking on board residents' views on vehicular movement, Councillor Bridgman felt the issue had largely been addressed by the condition related to shift patterns and timings. Councillor Bridgman said he would like to see a condition made for all applications that replacement hardstanding must be permeable and not block-paving regardless of what flood zone the application site was located in. In conclusion, Councillor Bridgman said he proposed to agree to the recommendation to grant approval to the application.

Ms Kirk said it had been noted that concerns had been raised around drainage and it being a hard surface area and as such Officers had requested details of hard surface materials. Mr Dray said this condition could be amended to stipulate that under permitted development the material used must be permeable or the replacement hard standing must drain within the site.

Councillor Macro said he wished to propose the Officer's recommendation to grant planning permission with the addition of condition 11 as outlined in the update report and a change of wording to insist that the replacement surface should be permeable. Councillor Bridgman seconded Councillor Macro's proposal.

RESOLVED that the Service Director - Development and Regulation 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

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

Act 2004).

2. **Approved plans**

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

Drawing 21.03-001 (Location Plan) received on 04.03.2021;
Drawing 21.03-020B (Proposed Parking Bay Layout) received on 10.06.2021;
Drawing 21.03-010A (Proposed Floor Plan) received on 10.05.2021
Planning Statement (Prepared by I D Planning) received on 25.02.2021.

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

3. **Boundary treatments (provision and retention)**

The residential children's care home hereby approved shall not be occupied until the boundary fence treatments as shown on Drawing 21.03-020B received on 10.06.2021 have been fully provided in accordance with the details submitted. The existing boundary wall on the east boundary adjacent to the footpath shall be retained. Thereafter, the fence shall be retained in this condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a safe, secure and accessible environment for children occupying 3 Goodwin Close. This condition is in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026).

4. **Landscaping (pre-commencement)**

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 landscaping scheme shall include detailed plans, planting and retention schedule, programme of works to ensure successful cultivation of trees/shrubs and grass establishment, and any other supporting information. All landscaping works shall be completed in accordance with the approved landscaping scheme within the first planting season following the first occupation of the residential care home. 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: Landscaping is an integral element of achieving high quality 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 the Quality Design SPD. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping 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. Agreed with the applicant's agent: To be agreed.

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

5. **Parking layout (pre-commencement)**

No development shall take place until details of vehicle parking have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Details of vehicle parking and turning space;
- Hard surfacing materials;
- Finished ground levels of the designated vehicle parking;
- Details of the extended dropped kerb

The use hereby permitted shall not commence until vehicle parking has been completed in accordance with the approved details (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking (of private cars and/or private 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 TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is necessary because the parking arrangement will need to be determined before any construction to ensure it can be accommodated within the space available. Agreed with applicant's agent: To be agreed.

6. **Electric vehicle charging point (pre-commencement)**

No development shall take place until details an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The use hereby shall not commence until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). Agreed with applicant's agent: To be agreed.

7. **Formal surveillance (pre-commencement)**

The residential children's care home hereby approved shall not be brought into operation until details of formal surveillance (CCTV) have been submitted and approved by the Local Planning Authority. The submitted details shall include a plan to show the number, locations of any CCTV, the direction these shall face and specification details. All CCTV footage shall be retained and stored for a minimum of 30 days. The CCTV shall be installed in accordance with the approved details and be retained in approved condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Surveillance is critical in deterring crime and anti-social behaviour

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

and is required to maintain a safe environment for occupiers of 3 Goodwin Close and neighbouring properties. This condition is in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because the CCTV must be installed before first use. Agreed with applicant's agent: To be agreed.

8. Restriction on shift changes

No staff shift changes shall be take place between the hours of 22:00 and 06:00 on any given day.

Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, 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).

9. Garage outbuilding: restricted use

The outbuilding to the north-west of the main property labelled as 'Garage/ Bike & general storage' on Drawing 21.03-010A received on 10.05.2021 shall be used as a Garage and for bike & general storage purposes, and for no other purposes. Notwithstanding the provisions 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 physical alterations shall be made to the garage, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the garage is not converted to a habitable room which would take staff away from the main building. This is to maintain surveillance of main property to ensure a safe, secure and accessible environment for children occupying 3 Goodwin Close. This condition is in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

10. Restriction of use to residential children's care home

The building shall be used as a children's care home for the occupation of up to 3 children between the ages of 8-18 years and for no other purpose, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Any other use may not be acceptable on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP4, CS1, CS13, CS14 of the West Berkshire Core Strategy (2006-2026), and Policies TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. Refuse storage (pre-commencement)

The residential care home shall not be first occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) 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.

Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. The condition is required to protect visual amenity. 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 the West Berkshire Quality Design SPD (Part 1, Section 2.13). A pre-commencement condition is necessary to ensure that the refuse store can be accommodated without having a detrimental impact on parking arrangements this will need to be determined before any construction to ensure it can be accommodated within the space available.

Agreed with the applicant's agent: 26th October 2021.

Informatives

1. Proactive statement

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.

2. Compliance with approved drawings

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

3. Compliance with conditions

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

4. Pre-conditions

Conditions nos. 4, 5, 6 and 7 impose requirements which must be met prior to commencement of the development. Failure to observe these

EASTERN AREA PLANNING COMMITTEE - 27 OCTOBER 2021 - MINUTES

requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

5. Access Construction

The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagement@westberks.gov.uk should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

6. Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

7. Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

8. Building regulations

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control

(The meeting commenced at 6.30pm and closed at 8.05pm)

CHAIRMAN

Date of Signature

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Agenda Item 5.

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Agenda Item 6.(1)

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|----------|----------------------------|--|--|
| (1) | 21/02112/FUL Thatcham | 20 th October 2021 ¹ | Change of use to 7 no. Gypsy/Traveller pitches comprising 7 no. static caravans, 7 no. day rooms, 7 no. touring caravans and associated works Land at Lawrences Lane, Thatcham Ms C Gumble |

¹ Extension of time agreed with applicant until 19th November 2021

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02112/FUL>

Recommendation Summary: Delegate to the *Service Director – Development and Regulation* to refuse planning permission.

Ward Members: Councillors Jeremy Cottam and Lee Dillon

Reason for Committee Determination: Referred by the Development Control Manager because the proposal is associated with ongoing legal proceedings to restrain the extent of the unauthorised development which has already taken place and which has attracted wide interest from the local public.

Committee Site Visit: 10th November 2021

Contact Officer Details

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

1. Introduction

- 1.1 This application seeks planning permission for the development of land at Lawrences Lane, Thatcham. The proposed development comprises the change of use to 7 no. Gypsy/Traveller pitches comprising 7 no. static caravans, 7 no. day rooms, 7 no. touring caravans and associated works.
- 1.2 The development commenced on Friday 13th August 2021 through the undertaking of engineering operations. As such, this application is to be determined under the provisions of the Section 73A of the Town and Country Act 1990. A temporary stop notice was served on the site, followed by an injunction, the latter of which remains in place to prevent further breaches of planning control
- 1.3 The application site comprises part of an area of land off Lawrences Lane, within the parish boundary of Thatcham. Prior to the development commencing, the land comprised open sloping grassland rising from the public highway. Beyond the red line application site, within the blue line of the Location Plan, is an existing stable building.
- 1.4 The application site is located in open countryside as defined by Core Strategy Policy ADPP1 (outside of any defined settlement boundary). The land falls outside of, but within the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The existing lawful use of the site is as livery (*sui generis*).

Caravans legislation

- 1.5 Section 29(1) of the Caravan Sites and Control of Development Act 1960 (as amended) sets out that a caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. Section 13(1) of the Caravan Sites Act 1968 (as amended) defines a twin-unit caravan as a structure designed or adapted for human habitation which is, (a) composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) when assembled it is physically capable of being moved by road from one place to another. Touring caravans, static caravan and various mobile homes constitute 'caravans' under the above legislation.
- 1.6 Caravans are not normally regarded as buildings or operational development under the Planning Acts. The application proposes a use which would enable the siting of caravans on plots. For this reason it is not necessary to provide plans of individual caravans, and in assessing this application it must be recognised that different caravans may come and go over time.

2. Planning History

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

| Application | Proposal | Decision / Date |
|--------------------|---|------------------------|
| 78/09717/ADD | New access into land from lawrence lane | Approved 05.01.1979 |
| 82/16738/ADD | Erection of detached house and garage | Refused 31.03.1982 |

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| 06/00362/FUL | To convert existing building into commercial stables, build new pole barn type hay store and for the change of use from agricultural land to equestrian use. | Refused 21.04.2006 |
| 06/01988/FUL | Change of use from agricultural to commercial equestrian. | Withdrawn 15.11.2006 |
| 06/02920/FUL | Change of use from agricultural to self service livery. Convert existing building into stable block. | Approved 08.03.2007 |
| 17/03522/FULMAJ Appeal: APP/W0340/ W/18/3207500 | Redevelopment involving 'change of use' from self service livery stable (sui generis) to a single dwelling (C3) together with associated works. | Refused 22.03.2018 Appeal dismissed 10.01.2019 |
| 21/00232/FULMAJ | Conversion involving 'change of use' from self service livery stable (sui generis) to form live/work unit (C3) with ancillary Office and associated works. | Refused 24.05.2021 |

- 2.2 In March 2018 the Council refused planning permission for the redevelopment of the livery stables to a single dwellinghouse. This decision was appealed. The two main issues at appeal related to (1) the principle of the converting the stable to residential, and (2) the effect of the proposal on the character and appearance of the area. On the first issue the Inspector concluded that the conversion would involve substantial alterations that would be contrary to the principal policy for that development – C4 of the HSA DPD. On the second issue the Inspector concluded that the conversion would not be harmful given the limited public viewpoints of the building.
- 2.3 The second application for the conversion of the stable building (21/00232/FULMAJ) was refused in May 2021 because (1) the principle of converting the stable to residential was contrary to Policy C4, despite a revised approach to the conversion works, and (2) the resultant building would be out of character and the size of the domestic curtilage was inappropriate.
- 2.4 In October 2021 an application was submitted to the Council (reference 21/02534/PIP) seeking Planning in Principle (PIP) on land adjacent to Little Copse, Southend, Cold Ash, which is on the opposite side of Lawrences Lane. PIP in sought for the erection of nine dwellings (first homes). The land has previously been promoted for 21 units of residential development, but the 2020 Housing and Economic Land Availability Assessment (HELAA) concludes that the land is not developable within the next 15 years because the development would be inappropriate in the context of the existing settlement form/pattern and character of the landscape. The land is not a proposed allocation in the Regulation 18 draft Local Plan. The current application will be considered on its merits, but at this stage it is considered that it does not have a material effect on the consideration of this application.

3. Procedural Matters

- 3.1 **EIA:** Consideration has been given to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not fall within any of the categories of development listed in Schedule 1, and is therefore not automatically EIA development in this respect. Development listed in Schedule 2 of the Regulations only requires screening if it meets/exceeds the relevant threshold or is located within a 'sensitive area' as defined by the Regulations. Paragraph 10(b) relates to 'urban development projects', and Paragraph 12(e) relates to "permanent camp sites and caravan sites". Under either paragraph, the relevant threshold for EIA screening is 1 hectare. The application site measures less than 1 hectare, and it is not located within a 'sensitive area'. As such, EIA screening is not required.
- 3.2 **Publicity:** The application has been subject to publicity under the requirements of the Town and Country Planning (Development Management Procedure) Order 2015. This has included the display of site notices around the site. Site notices were displayed at the site entrance, and at the southern and northern ends of Lawrences Lane.
- 3.3 **Inaccurate plans:** There are conflicting measurement annotations on drawing number 001 09/08/2021 Rev 1:1 (plans and elevations of day rooms): the title states 800m x 400m whereas the plan dimensions are 8000mm x 4000mm. These are clearly drafting errors, and the day rooms are taken to measure 8m x 4m. Whilst this error should be corrected with amended plans, it is considered that these drafting errors do not prevent a decision being made. Details of the materials for the areas of hard-standing, day rooms and stables have also been requested but not supplied, but similarly this does not prevent a decision being made as this information could be reserved for later consideration by condition.
- 3.4 During the site visit, some further deviations from the submitted plans where noted:
- a) The size and shape of plots 6 and 7, as the boundary location between the two is markedly different.
 - b) The erection on site of two stable buildings on plots 1 and 5.
 - c) The absence of grassed amenity areas within individual plots.
- 3.5 It is understood that the plot layout (a) and two stable buildings (b) are intended to remain as constructed if permission were granted, therefore amended plans are required to show these changes, including additional plans and elevations of the stables. On the other hand, it is understood that it would be the intention to provide the grassed amenity areas (c) in due course, in which case their timely provision could be secured by condition if permission was granted.

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.

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| Thatcham Town Council: | Object. Reasons: 1) Impact on the character of the neighbourhood. |
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| | <ol style="list-style-type: none"> 2) Lawrences Lane is inadequate for the traffic that will be generated by the development. 3) It is outside the settlement boundary. 4) Conflicts with the proposal to make Lawrences Lane a route for “Active Travel” which TTC supported when consulted. 5) The application gives no description of the materials which were proposed to be used and have presumably been used for the day room buildings. <p>Thatcham Town Council already considered and raised objections to a previous planning application (21/00232/FULMAJ) for the conversion of the stable to a dwelling where the Council raised these points, and they are more important and have greater impact for this development than for the previous proposal which Thatcham Town Council objected to.</p> |
| <p>Cold Ash Parish Council:</p> | <p>Object (unanimous). Reasons:</p> <ol style="list-style-type: none"> 1) While this site is not within our Parish its location is immediately adjacent and our parishioners will be affected by the proposed usage. 2) We have not been able to locate the orange notice advertising the application on this site 3) We note that the application has answered ‘no’ with regards to the question whether work has already started. As we all know this is incorrect. 4) This previously rural site is close to the AONB and is outside the settlement boundary. 5) This is a quiet and narrow rural lane that is enjoyed by our parishioners for walking. This has recently been recognised by the proposal to close this lane to through traffic by certifying it as an “Active Travel” route. The proposed application and the corresponding traffic will put at risk the quiet and rural nature of this lane. 6) This narrow lane is barely wide enough for a car. As such the access is unsuitable for caravans and mobile homes/static caravans. It is also unsuitable for the refuse lorries that would need to access the site. 7) This application will change the character of this area. 8) The application gives no description of the materials which were proposed to be used and have presumably been used for the day room buildings. 9) There have been previous applications to change the use of this site and all have been refused. |

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| | <p>10) CAPC has great concerns about highway safety should this application be granted. The narrow lane is used by pedestrians, which has greatly increased since the Covid lockdown. The narrow nature of the lane means that there are very few places for pedestrians to stand when large vehicles are approaching.</p> <p>11) Destroying the countryside</p> <p>12) Inappropriate development (i.e. gypsy/traveller's pitches without back up facilities)</p> <p>13) As is widely known, the work on this site was started before permission was obtained. When this application is refused we insist that the site be returned to its previous state.</p> <p>14) We have concerns that the concrete hardstandings will lead to water runoff into the surrounding areas.</p> |
| Natural England: | No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection. Further detailed advice on other natural environment issues provided (biodiversity net gain, protected species, and local sites). |
| Planning Policy (WBC): | Detailed comments regarding considerations of planning policy and need which are incorporated into this report. |
| Housing (WBC): | No response. |
| Highway Authority (WBC): | Object on grounds of vehicular access and pedestrian access. Comments regarding parking and proposals to restrict motor vehicles along Lawrences Lane. Full response is incorporated into the appraisal in this report. |
| Lead Local Flood Authority (WBC): | <p>The site is situated in Flood Zone 1 and as such the LLFA has no concern over flood risk on the site. However we do have concerns over the proposal relating to the fact that no drainage (surface water or foul) proposals have been submitted and that we understand that a compacted hard-core base has already been laid over the site which will be impermeable and allow no infiltration. Surface water run-off will occur from the hard-core and that must not be allowed to run onto adjacent land or the highway.</p> <p>A suitable Drainage Strategy must be provided which includes a SuDS scheme based on existing ground conditions and permeability to address these concerns. The SuDS measures must be sufficient to deal with run-off from a 1 in 100 year event + 40% for climate change, plus a further 10% for 'urban creep' (further development within the site). These proposals must be in accordance with the councils SuDS Supplementary Planning Document (2018), the SuDS Manual and current best practice. The proposals must have regard to the inclusion of green SuDS measures. A maintenance plan for the SuDS measures must also</p> |

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| | <p>be provided. Proposals for dealing with polluted run-off during construction works must be provided, particularly to ensure that no silt laden run-off is allowed to flow onto the highway or adjacent land.</p> <p>Should the LPA be minded to approve the proposals then we request that [a condition] be imposed to deal with the above concerns.</p> |
| Environmental Health (WBC): | No response. |
| Countryside (WBC): | Detailed comments incorporated into community cohesion section of this report. |
| Building Communities Together Team (WBC): | Unable to offer any guidance on the consideration of community cohesion. |
| Rights of Way (WBC): | No response. |
| Ecology (WBC): | <p><u>Original comments:</u> In the first instance we are going to need for an Ecological Scoping Report to be submitted, this may lead to further surveys also needing to be submitted before this application can be potentially approved.</p> <p><u>Following submission of report:</u> It appears that the proposals have changed since the ecologist wrote the submitted ecology report (this was confirmed by a call by us to the ecologist that wrote the report) and therefore, it is our opinion that the lack of bat transect and roost surveys and reptile surveys has not been justified and therefore at this point this application cannot be considered for approval until this survey data has been submitted to the LPA. There also are now potential unquantified impacts on the northern retained hedgerow that have not been taken into account, hedgerows are a priority habitat (NERC Act section 41) and thus because the impacts on this hedgerow have not been quantified we cannot at this point recommend this application for consideration for approval (along with the lack of bat and reptile surveys).</p> <p>We are not sufficiently content that the recreational disturbance impacts on the two Local Wildlife Sites (LWS) (one of which is an ancient woodland) have been fully considered and quantified currently, so that if needed mitigation and compensatory measures could be put in place as required.</p> <p>Whilst not mandatory in West Berkshire outside Biodiversity Opportunity Areas (BOAs) (and strongly supported nationally by the NPPF) having a Biodiversity Net Gain assessment undertaken would give us more confidence that the proposals would deliver positive gains for biodiversity. To be clear this point is not a reason for refusal but would allow us as an LPA to further qualify the environmental merits of the scheme.</p> |

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| | <p>The overland/surface water flows shown at the entrance to the site will mean that measures to control potential water contaminants will be needed in this area in the construction and post construction phases.</p> <p>Overall we cannot recommend that this application be considered for approval, because currently there is insufficient information for us to fully assess the possible impacts, the resulting mitigation and compensatory measures and therefore the acceptability of the proposals.</p> |
| Trees (WBC): | <p>Tree preservation order: no Conservation area: no</p> <p>The application is retrospective for a number of pitches in an agricultural field. The field is bounded to the north and west by old hedge on a bank, parts of which seem to have been removed to facilitate the erection of screening fencing. For example, at the time of my site visit an HGV was situated on pitch 1, very close to a Hazel stool on the other side of the fence. The parking of vehicles, laying of aggregate and compaction of the soil close to the boundary hedge will negatively impact the Root Protection Area of the trees within it. There are other trees on the eastern side which will also be affected by increased vehicle movements into and out of the site (so a 3D cellular confinement system should be used at the entrance track to ensure damage to tree roots is minimised – though this is not proposed).</p> <p>At present I object to the development as the pitches are too close to the N & W boundary hedge and there is no ground protection for trees near the entrance/ exit. These factors have lead and will lead to the loss of trees, thereby impacting on local amenity.</p> |
| Archaeology (WBC): | <p>Thank you for your consultation on the above planning application, following previous proposals. The application to redevelop this land is of some archaeological interest due to the nearby known presence of later prehistoric activity. Within 100m to the south archaeological investigations for Dunstan Park found features of Early Iron Age date, with evidence of early iron working. A prehistoric settlement may be present in this area. More recent analysis of cropmarks and LiDAR data suggests linear earthworks survive close by the north and east, possibly representing an enclosure of unknown date. In the historic period, this field was part of an 18th century landscape park around a short-lived mansion.</p> <p>I am not aware of any archaeological fieldwork having been carried out in this plot. Groundworks, levelling for pitches and other landscaping could potentially destroy any surviving heritage assets of archaeological interest so I feel archaeological supervision is justified if there is a change of use.</p> <p>Should this proposal be approved I would therefore suggest that the applicants be asked to commission a programme of archaeological supervision for any landscaping or earth moving</p> |

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| | that will be necessary. This should be secured by applying [a] condition to any approval granted. |
| Waste Management (WBC): | No response. |
| Emergency Planning (WBC): | No response. |
| Thames Valley Police: | <p>Between 13th and 14th August 2021 Thames Valley Police received a number of calls from the community reporting an unauthorised encampment on a piece of land within Lawrences Lane, Thatcham. Police officers attended and established that the lands lawful owners were behind the activity which subsequently was deemed a breach of planning regulations. Some of the calls during the evening of the 13th / 14th related to noise and disturbance to the local community from the site. This was partly due to machinery being used on the land overnight.</p> <p>Thames Valley Police established the land was owed by members of the GRT community and worked in partnership with West Berkshire Council to prevent criminal offences whilst a civil court process was initiated. The community impact on the settled community and the GRT community was closely monitored by the local Neighbourhood Policing teams over the following weeks. After the initial reports to police of the unauthorised encampment there has been no further complaints to police with regards to the GRT community at Lawrence's Lane. There have been reports from the GRT community of crimes and hate incidents where they have been the victims. The GRT community at this location have been engaging with the local neighbourhood policing team and have asked organisations for their help in facilitating integration into the local community. The GRT community have requested an opportunity to meet with the local residents to alleviate any concerns they may have in a public meeting.</p> |
| Royal Berkshire Fire and Rescue Service: | No response. |
| Thames Water: | No response. |
| Ramblers' Association: | No response. |
| West Berkshire Spokes: | No response. |

Public representations

4.2 Representations have been received from 287 contributors, all object to the proposal.

- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

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| Highways and transport | <ul style="list-style-type: none"> a) Traffic generation will harmful neighbouring amenity. b) Lawrence Lane not suitable for this type /size of development. c) Touring caravans coming and going from the site would be dangerous to users of this lane. d) Highway access is unsafe. e) Not suitable for emergency services such as fire or ambulance. f) Considerable damage has been done to the verges. g) No provision for electric vehicle charging point. h) The illegal development will affect highway safety as this is signposted as a single track road and was considered by the council to be changed to a pedestrianised walkway. |
| Environmental | <ul style="list-style-type: none"> a) Not carbon neutral / no offset proposed. b) Lack of services and utilities to the site. c) Development will lead to land contamination. d) Noise issues. e) Waste Issues. <ul style="list-style-type: none"> 1. How will there be refuse disposal and maintenance of on-site amenities. 2. Build-up of waste leading to increase vermin. 3. Since access for refuse lorries and utility providers such as sewage collection services would be impossible, there would be an increase in hazardous materials such as raw sewage and smells. |
| Ecology | <ul style="list-style-type: none"> a) This area has been a habitat for many species of wild birds, for Red Kite, and a range of mammals from deer to hedgehogs. There is sound evidence that this is no longer the case and that there has been a negative impact on these populations. b) Construction has already disturbed the wildlife habitat in the area with a noticeable reduction in Deer, Rabbits, Squirrels and birds of prey. c) Work commenced illegally overnight on Friday 13th August 2021 without planning permission, just applying for retrospective planning after works commenced, including |

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| | cutting down of trees, erecting permanent fencing, laying of hard core for hard standings without careful consideration of the effect to the local wildlife. |
| Trees | <ul style="list-style-type: none"> a) This is no longer a tree and shrub edged field. b) Hedgerow have been removed. c) Loss of piggery wood. |
| Flooding and drainage | <ul style="list-style-type: none"> a) Development will cause flooding. b) The development site floods. c) The removal of trees, shrubs and a grassland surface and the laying down of extensive hard standing areas will greatly increase the rapidity of run-off during and after heavy or extensive rainfall. d) Changing this land from a majority open green field to hardstanding will create a flood risk. There may also be a risk of leaching of chemicals from the hard-core or vehicles or businesses on site into ground water. e) Natural drainage of this land is a concern as it will run downhill from Lawrences Lane to Floral Way including Farmers Gate and Acorn Drive. |
| Archaeology | <ul style="list-style-type: none"> a) Works start without an Archaeology assessment and thus Archaeology has been lost. |
| Character and appearance | <ul style="list-style-type: none"> a) Development is outside of settlement. b) Overdevelopment of the site. c) Development of a greenfield site. d) Protect the boundary between Cold Ash and Thatcham. Erosion of green gap. e) Lawrence Lane is a quiet, peaceful and picturesque narrow pathway, where families, senior citizens and young people go for a walk (often with their dog), cycle and jog. f) Erode the open nature of the landscape. g) The proposed development is not in keeping with the stylistic context or scale of the local area and is out of character with existing properties. h) Development is out of keeping and oversized for the area and would utterly dominate and detrimentally affect the local home owners and wider village. i) The change of use will spoil the landscape and recreational use of this area. |

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| | <p>j) The proposed illegal development of this site will be overbearing, out of scale and out of character in terms of its appearance compared with existing development in the vicinity.</p> <p>k) The site is within an AONB, and has resulted in a loss of natural habitat.</p> <p>l) The proposal will directly change the ambiance and use of the area, illegally. The area is an unspoilt tranquil lane.</p> <p>m) Harmful to the setting of NWD AONB.</p> <p>n) Development will be unsightly.</p> |
| Neighbouring amenity | <p>a) Concerns in regards to noise from the development.</p> <p>b) Waste will be left on site.</p> <p>c) Site is too close to established houses.</p> <p>d) Loss of privacy / overlooking.</p> <p>e) Loss of light or overshadowing.</p> <p>f) Concerns in regards to smell.</p> <p>g) The proposed development will have an adverse effect to local residents and visitors to the area. It's not in the public interest to permit such conditions to occur where they did not exist before.</p> |
| Fear of crime / increase in crime | <p>a) Increase in crime.</p> <p>b) People feel too scared to use the lane.</p> <p>c) People seen police at the site.</p> <p>d) No respect for the law.</p> <p>e) Increase in anti-social behaviour.</p> <p>f) Increase in waste and fly tipping.</p> <p>g) No consideration of how waste will be collected.</p> |
| Green infrastructure | <p>a) Area is used for dog walking which would be lost.</p> <p>b) Local Town Council already reviewing restricting access on this road due to the use of public via bikes, runners, walkers and dog walkers.</p> <p>c) Development will stop the Green Lane from going ahead.</p> <p>d) Many local people for walking and cycling and it is clearly not wide enough to walk/cycle safely, if there are motor vehicles travelling along the track.</p> |

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| | e) Lawrences Lane is a quiet lane which gives an immeasurable wellbeing benefit to the local residents. |
| Local infrastructure | a) Schools, doctor's surgery will be unable to cope if development goes head. |
| Policy and need | <p>a) Contravention of the Government guidance on Planning Policy for Travellers Sites.</p> <p>b) Planning Circular 01/2006 recommends that new gypsy and traveller sites are not appropriate for open countryside.</p> <p>c) The proposed development is contrary to green belt policy.</p> <p>d) The works are contrary to national green belt policies and are in direct contravention of Planning Circular 01/2006 (paragraph 49).</p> <p>e) The property is contrary to the Environment Agency flood guidance note PPS 25.</p> <p>f) Policy TS3 of the WBC Housing Site Allocations DPD (2006-2026) have not been met. There is a difference between Gypsy & Traveller Permanent Pitches & Travelling Showpeople plots and this looks to be a mixture, 7 of each so 14 in total, with a Mobile Home/ Static Caravan , a Touring Caravan and a Day Room on each pitch with enough width between the Mobile home and the day room to get a non static caravan through to the back for parking. There is no SuDs SPD (2018) plan or detail of drainage.</p> <p>g) Are the people who put the application meet the criteria Gypsies and Travellers and Travelling Showpeople?</p> <p>h) Has there been a Gypsy and Traveller needs assessment?</p> <p>i) West Berkshire Council have provided enough spaces and there is no for these pitches.</p> <p>j) The need for pitches can be met elsewhere in UK.</p> <p>k) Contest the need for additional traveller accommodation in West Berkshire. There are alternative sites in the county, so the applicants must provide a full, up-to-date justification of why additional accommodation is required. In any case, it should be the responsibility of the council to undertake a full, strategic assessment of potential locations for additional sites, rather than ad-hoc applications by residents.</p> |
| Enforcement and planning history | <p>a) Planning permissions refused on site previously.</p> <p>b) Disregard of proper procedures.</p> <p>c) Development not enforceable if permission given.</p> |

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| | <p>d) What restrictions would be in place to monitor the number of caravans on this site in future? This is something that cannot be policed.</p> <p>e) Will encourage unauthorised works.</p> |
| Submissions | <p>a) The application is full of misdirection and falsehoods, for example the statement that there are no trees or hedges on the site (section 10). The reality is, large numbers of trees and associated hedging has been removed already. This in turn impacts the statements made in section 12 and the impact on biodiversity, which is significant and ongoing, with a marked reduction in wildlife including reptiles, birds, amphibians, deer, bats and hedgehogs since the applicants started the works.</p> <p>b) Drawing no. 001 09/08/2021 rev 1:1 title and floor plan states day room 800m x 400m. This is the size of an aircraft hangar. 7 of these will not fit on the land.</p> <p>c) In the planning application under the section of “Trees and Hedges” the applicant says that there are “NO” trees or hedges on the development site and also that there are “NO” trees or hedges on the land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character. This is despite showing hedgerows and trees in the Site Layout plan included in the application; given the site is a rural location that is surrounded by trees and hedgerows, these responses show a complete disregard for the countryside around the proposed site.</p> <p>d) Application makes no mention of the materials that will be used.</p> |
| Non planning issues | <p>a) House prices will go down / devaluation of property</p> <p>b) Will cause house sale to fall through if granted</p> <p>c) The owner of the land also should be prosecuted for allowing this to occur in the first place.</p> <p>d) The theft of water, electricity has already occurred</p> <p>e) Consider all the local law abiding tax paying citizens first.</p> <p>f) Consideration of whether council taxes have been paid.</p> <p>g) Loss of view</p> <p>h) The approval of this site will set a precedent</p> <p>i) My planning was refused so unfair for theirs could be allowed.</p> <p>j) By carrying out this development without formal approval from local planning authority and at night, the site owners have already traumatised the neighbouring community. We couldn't</p> |

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| | see how the above point in their covering letter can truly be justified. |
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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, ADPP3, ADPP5 (adjacent), CS4, CS5, CS7, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, P1 and TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are of particular relevance to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (PPTS) (DCLG, 2015)
- West Berkshire District Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2019
- West Berkshire District Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2021 Update
- Chief Planning Officer Letter dated 31 August 2015 regarding intentional unauthorised development and associated Ministerial Statement dated 17 December 2015
- North Wessex Downs AONB Management Plan 2014-19
- North Wessex Downs AONB Position Statement on Setting (2021)
- Local Transport Plan for West Berkshire 2011-2026
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Whether the proposal complies or conflicts with the statutory development plan in principle.
- Whether the proposal complies or conflicts with national planning policy on gypsy and traveller sites.
- Local need and supply.
- Traveller site selection considerations.
- Highways and transport impacts.
- Landscape and visual impacts.
- Intentional unauthorised development.
- Community cohesion.
- Neighbouring amenity.
- Flood risk and sustainable drainage.

- Green infrastructure.
- Ecology and biodiversity.
- Impact on trees.
- Contaminated land.
- Heritage impacts.
- Site design.
- Human rights and equalities.

The West Berkshire Development Plan

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides a presumption in favour of sustainable development (paragraph 11), which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Conversely, paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 6.3 Paragraph 11d of the NPPF gives a 'tilted balance' in favour of granting permission where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. The development plan includes relevant development plan policies which are consistent with the NPPF and up-to-date. The 'tilted balance' of paragraph 11d is therefore not engaged.
- 6.4 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP3 and CS7 of the Core Strategy, and Policy TS3 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP3) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS7 and TS3 relate to gypsy and traveller sites.
- 6.5 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.6 Policy ADPP3 is the spatial strategy for Thatcham. However, it is not considered to include any points which are directly relevant to this proposed development.
- 6.7 **Policy CS7 (Gypsies, Travellers and Travelling Showpeople)** is the principal development management policy for this proposed development. It reads as follows (bullet points have been replaced by letters for ease of reference):

'To meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. The requirement for transit sites will be addressed through the same DPD.'

In allocating sites, and for the purpose of considering planning applications relating to sites not identified in the relevant DPD, the following criteria will need to be satisfied for sites outside settlement boundaries:

- a) *Safe and easy access to major roads and public transport services;*

- b) *Easy access to local services including a bus route, shops, schools and health services;*
- c) *Located outside areas of high flooding risk;*
- d) *Provision for adequate on site facilities for parking, storage, play and residential amenity;*
- e) *The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;*
- f) *Opportunities for an element of authorised mixed uses;*
- g) *The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;*
- h) *Will not materially harm the physical and visual character of the area;*
- i) *Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.'*

6.8 To give clarity on the supporting information expected from development proposals a detailed planning considerations policy is included within the Housing Site Allocations DPD. **Policy TS3 (Detailed Planning Considerations for Travellers Sites)** reads as follows (bullet points have been replaced by letters for ease of reference):

'Proposals for development will be expected to comply with policies within the West Berkshire Development Plan and have regard to guidance outlined in the Government's good practice guide on Designing Gypsy and Traveller Sites where appropriate. In addition proposals will:

- a) *Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).*
- b) *Incorporate appropriate vehicle access and turning space.*
- c) *Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.*
- d) *Be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose.*
- e) *Provide a mix of residential and business use where appropriate.*
- f) *Provide a Flood Risk Assessment in accordance with Policy CS16 of the adopted Core Strategy.*
- g) *Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).*

- h) *Include measures to improve accessibility by, and encourage use of, non-car transport modes. These measures should be set out in a Travel Plan for the site.*
- i) *Identify internal walking routes and show how they will be linked to existing routes including the Public Rights of Way network. They will also take advantage of the landscape features of value within the site. Opportunities to improve external routes to services and facilities will be sought.*
- j) *Identify measures to be provided to mitigate the impact of development on the local road network as identified by a site specific Transport Assessment or Transport Statement.*
- k) *Identify appropriate green space/green infrastructure in line with the Council's adopted standards as set out in Policy RL1 of the Local Plan 1991 – 2006 (Saved Policies 2007).*
- l) *Provide necessary infrastructure to meet the needs that arise from the development as a whole, in accordance with both the most up to date Infrastructure Delivery Plan (IDP) and through conformity with the appropriate standards.*
- m) *Provide a Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual impact Assessment 3rd ed. 2013.*
- n) *This will inform the development design and layout of the site and requirements for green infrastructure.*
- o) *Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.*
- p) *Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.*
- q) *Provide a design, layout and siting plan for the development.'*

6.9 All of the points above are examined under relevant section heading below.

6.10 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.11 The current development plan period runs up to 2026. The Council is in the process of reviewing its Local Plan to cover the period up to 2037. A Regulation 18 consultation on the emerging draft plan has taken place. The draft plan includes Policy DC19 (Gypsies, travellers and travelling showpeople), which would replace and consolidate Policies CS7 and TS3. Whilst emerging Policy DC19 attracts only limited weight at this stage, it should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward.

National planning policy

- 6.12 The **National Planning Policy Framework (NPPF)** at paragraph 62 states ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including travellers). A footnote in the NPPF then states *‘Planning Policy for Traveller Sites sets out how travellers’ housing needs should be assessed for those covered by the definition in Annex 1 of that document’*.
- 6.13 The DCLG publication **Planning policy for traveller sites (PPTS) (August 2015)** sets out the Government’s planning policy for traveller sites, which should be read in conjunction with the NPPF. The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- 6.14 According to paragraph 24 of the PPTS, local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) The existing level of local provision and need for sites
 - b) The availability (or lack) of alternative accommodation for the applicants
 - c) Other personal circumstances of the applicant
 - d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) That they should determine applications for sites from any travellers and not just those with local connections
- 6.15 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 6.16 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 6.17 All of the points above are examined under relevant section heading below.

Local need and supply

- 6.18 According to the PPTS, the local planning authority should consider the existing level of local provision and need for sites. The Council has a legal duty to plan for adequate accommodation for the Gypsy and Traveller community.
- 6.19 The Council has a Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2014 in accordance with the GTAA practice guidance applicable at that time. This was used to inform the pitch target and policy in the HSA DPD. This GTAA has been updated, particularly as it predated the change to the definition of ‘traveller’ in the revised PPTS in August 2015.
- 6.20 The GTAA 2021 provides an update to the 2019 version, to understand an updated 5 year supply position. The GTAA identifies a ‘cultural’ need and a ‘PPTS’ need. An overall ‘cultural’ need for pitches looks at the overall need for the Travelling community and takes into account the Human Rights Act 1998, the Equalities Act 2010 and the Housing and Planning Act 2016 section 124. A PPTS filter is then applied to identify the level of need associated with those households meeting the definitions set out in the PPTS Annex 1. The needs arising from the PPTS analysis establishes the level of need under which a 5 year land supply is assessed.
- 6.21 The GTAA examines the existing supply of pitches in the district, and looks at the demographics and circumstances of the occupants, and allowance for in-migration. Four Houses Corner in Padworth, which is a local authority site, can accommodate 16 pitches, though is currently vacant pending redevelopment. 24 private pitches (25 households) are at Paices Hill, Aldermaston. 1 private pitch (1 household) is at Mayfair, adjacent to the Old Forge House, Beenham. 2 private pitches (2 households) are at land west of Hillplace, Woolhampton. 1 unauthorised private pitch is at Stable View, Oare (counted for pitch need).
- 6.22 In looking at overall supply (which does include Four Houses Corner as the intention is to redevelop) there are a total of 45 households living on pitches. Taking into account the existing households planning to move in the next 5 years and emerging households in the next 5 years the **total need for pitches equates to 60**. Taking into account the current supply of pitches (45 occupied and 2 unoccupied authorised pitches), equating to 47 pitches, the 5 year authorised pitch shortfall for 2021/22 to 2025/26 equates to 13. In applying the PPTS filter this then reduces to 9.
- 6.23 The following table is from the GTAA 2021, and provides a breakdown of the cultural need, and then applies the PPTS policy filter to provide the PPTS need.

| Table ES1 Plan period Gypsy and Traveller pitch need 2021/22 to 2037/38 | | |
|--|----------------------|----------------------------|
| | Cultural need | Of which: PPTS need |
| 5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A) | 13 | 9 |
| Longer-term need | | |
| <i>Over period 2026/7 to 2030/31 (B)</i> | 5 | 3 |
| <i>Over period 2031/32 to 2035/36(C)</i> | 9 | 6 |
| <i>Over period 2036/37 to 2037/38(D)</i> | 3 | 2 |
| <i>Longer-term need TOTAL to 2037/38 (13 years) E=(B+C+D)</i> | 17 | 11 |
| NET SHORTFALL 2021/22 to 2037/38 (A+E) (17 years) | 30 | 20 |

- 6.24 The Council have allocated a site at Paices Hill as part of the HSA DPD (Policy TS1), to convert 8 of the 16 transit pitches to permanent pitches. This policy is proposed to be

carried forward in the Local Plan Review. Thus, 8 of the 9 permanent pitches needed in the 5 year period to 2025/26 are accounted for. Should the Local Plan Review seek to allocate an additional pitch at Paices Hill, which is one recommendation of the GTAA, or should planning permission be granted for additional pitches where there are current live applications (land at Hillplace, Woolhampton and land at Ermin Street, Lambourn, provided they are considered deliverable), the Council would be able to demonstrate a 5 year supply of pitches. Demonstrating a 5 year supply is an important requirement for the Council, as set out in the PPTS.

6.25 Meeting the above need is not a planning reason for preventing unallocated sites coming forward which would mean that the short term supply exceeds the short term need. As the above table illustrates there is an overall need in the plan period for 20 pitches. Taking into account the planned 8 pitches at Paices Hill, Aldermaston this reduces to 12 pitches. According to the PPTS, consideration should be given to the availability (or lack) of alternative accommodation for the applicants. Therefore, on the issue of need alone, the provision of additional pitches at the application site would contribute positively to meeting the overall need.

6.26 For the purposes of the PPTS and local planning policies “gypsies and travellers” means:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

6.27 In determining whether persons are “gypsies and travellers” for the purposes of PPTS policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

6.28 The Council is satisfied that the intended occupants of the site qualify as gypsies and travellers under the above definition. It should be noted that local planning authorities should determine applications for sites from any travellers and not just those with local connections.

6.29 According to the PPTS, consideration should be given to other personal circumstances of the applicant. Personal circumstances are considered in the Part II report.

Traveller site selection

Traveller sites in open countryside

6.30 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

- 6.31 The objection from Thatcham Town Council is partly because the site is outside the settlement boundary.
- 6.32 The application site is located outside of any defined settlement boundary, and is therefore regarded as “open countryside” in terms of Policy ADPP1. It is, however, close to the settlement boundary of Thatcham, a top tier “urban area” in the district settlement hierarchy of Policy ADPP1.
- 6.33 In this respect, it is not considered to be “*development in the open countryside that is away from existing settlements*”. Whilst it is not allocated in the development plan, Policy CS7 gives criteria against which to assess such sites. Owing to the size of the site in comparison to the size of Thatcham, it is not considered that the site would be inconsistent with the scale of, or dominate, the existing settlement. The introduction of seven households would not place undue pressure on local infrastructure. As such, the proposed development is considered to comply with paragraph 25 of the PTSS.

Effective use of previously developed, untidy or derelict land

- 6.34 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the effective use of previously developed (brownfield), untidy or derelict land. This is consistent with the wider national and local policy. The NPPF glossary defines PDL as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 6.35 The existing lawful use of the site is livery, and there is an existing stable building within the centre of the field. As such, it is considered that the site is previously developed land within the definition of the NPPF. However, it is recognised that the former character and impact of the site was closely akin to prevailing agricultural land uses, so the policy objective to make effective use of previously developed land is considered to be of little weight in this instance. Prior to the unauthorised development taking place it is not considered that the land was untidy or derelict. As such, it is considered that very limited weight should be applied to this consideration.

Highways and transport

- 6.36 According to paragraph 110 of the NPPF, in assessing specific applications for development, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved for all users, the design of transport elements reflects current national guidance, and that any significant impacts from development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.37 Consistent with the NPPF, Policy CS13 states development that generates a transport impact will be required to:

- a) Reduce the need to travel.

- b) Improve and promote opportunities for healthy and safe travel.
- c) Improve travel choice and facilitate sustainable travel particularly within, between and to main urban areas and rural service centres.
- d) Demonstrate good access to key services and facilities.
- e) Minimise the impact of all forms of travel on the environment and help tackle climate change.
- f) Mitigate the impact on the local transport network and the strategic road network.
- g) Take into account the West Berkshire Freight Route Network (FRN).
- h) Prepare Transport Assessments/Statements and Travel Plans to support planning proposals in accordance with national guidance.

6.38 Paragraph 111 of the NPPF states development should only be prevented or 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.

6.39 According to Policy TS3, applications will be accompanied by a Travel Plan and a site specific Transport Assessment of Transport Statement. However, the Highway Authority confirms that such measures are not necessary for the scale of development.

Accessibility

6.40 The application site is located outside of, but adjacent to, the settlement boundary of Thatcham. Thatcham is classified as an “urban area” in the District Settlement Hierarchy of Policy ADPP1, which is a first tier settlement with a wide range of services and is the focus for the majority of development.

6.41 Thatcham benefits from a range of services, including shops, primary schools and a secondary school, GP surgeries, dentists, as well as recreation facilities. The site is in reasonable distance to such facilities and services.

6.42 According to paragraph 4.4.1 of Manual for Streets, walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and the MfS states that walking offers the greatest potential to replace short car trips, particularly those under 2km.

6.43 Distances and travel times between the site and nearby facilities has been taken using the directions facility on Google Maps. The Broadway in the town centre is approximately an 18 minute walk (1 mile / 1.6 km) from the site. Thatcham Railway is an approximate 37 minute walk (2.0 miles / 3.2 km) or 10 minute cycle ride, which offers regular train services to Newbury (and beyond to the West Country) and Reading (and beyond to London). The Institute of Highway Engineers recommends maximum walking distances of 2.0 km and 5 km for cycling.

6.44 There is a limited bus service running between Thatcham and Cold Ash with a bus stop on Floral Way (three stops daily). In Sagecroft Road (approximately 600m walking route) there are hourly services between Newbury and Thatcham.

6.45 Floral Way is classed as an ‘Urban Cycle Route’ connecting the east and west sides of the A4, and connecting to cycle routes towards Newbury. The A4 is approximately 1.2km from the site.

6.46 Taking into account the above, it is considered that the site is within a relatively sustainable location with access to most facilities in Thatcham, and where there are alternatives to the private vehicle. Consequently it is concluded that the application site has an appropriate level of accessibility for the scale of the proposed development.

Parking

6.47 Although the *Designing Gypsy and Traveller Sites Good Practice Guide* (DCLG, May 2008) guide is now cancelled, in the absence of any updated guidance it continues to provide a useful reference. With respect to car parking it states that a key element for the site is the provision of adequate parking space for resident's use. Resident parking should largely be provided for on individual pitches but a site could also contain additional parking facilities for visitors, as parking on the roadside could otherwise impede access of fire and other emergency services. However separate parking areas may present security considerations for residents in some cases and should therefore be situated in an area in good sight of the warden's office and site residents generally.

6.48 The Highway Authority advises that regard should be given to the car parking standards set out in Policy P1 of the HSA DPD. These are set out below. The application site is located within Zone 2. In addition, an electric vehicle charging point of at least 7 kw should be provided for each plot, and the proposal should also comply with the Councils Cycle and Motorcycle Advice and Standards for New Development 2014.

| | Flats (+1 additional space per 5 flats for visitors) | | | Houses | | | |
|-----------------|--|------|---|--------|---|-----|-----|
| | 1 | 2 | 3 | 1 | 2 | 3 | 4 |
| Zone 1 | 0.75 | 1 | 2 | 1 | 1 | 2 | 2 |
| Zone 2 | 1.25 | 1.5 | 2 | 1.25 | 2 | 2.5 | 2.5 |
| Zone 3 | 1.5 | 1.75 | 2 | 1.5 | 2 | 2.5 | 3 |
| EUA Zone | 1.5 | | 2 | 1 | 2 | 2 | 3 |

6.49 Insufficient information to show the number of bedrooms provided per pitch has been provided to demonstrate compliance with Policy P1. However, it is recognised that caravans are interchangeable and so this number may not be fixed over time.

6.50 Notwithstanding this difficulty in directly applying Policy P1, it is considered that there is sufficient parking and manoeuvring space on individual pitches, and there is no reason to anticipate that any occasional overspill from individual pitches could not be accommodated within the others areas of the site. There is also considered to be sufficient manoeuvring space within the site for vehicles. Overall, there is no substantive evidence to suggest the development will increase the likelihood of on-street parking and turning manoeuvres along Lawrences Lane which would have an adverse effect on highway safety. Accordingly, no objections are raised in this respect.

Traffic generation

6.51 To project expected traffic levels, the Highway Authority refer to the Trip Rate Information Computer System (TRICS). This is traffic survey database covering Ireland and the UK. As mentioned above, it is unclear regarding the size of the proposed units, however it is expected that some 4 to 6 vehicle movements per day, per pitch. This would give a total of some 28 to 42 vehicle movements per day (14 to 21 in, 14 to 21 out per day). During the busiest hours of the day from 08:00 to 09:00 and 17:00 to 18:00 hours, some 3 to 5 vehicle movements would be expected during each hour. In the

Highway Officer's view this is not significant and would have a negligible traffic impact on the overall highway and travel network.

- 6.52 However the Highway Officer is concerned regarding such levels of vehicle movements on what is a single width carriageway for some 200 metres to the site access from the T junction to the south. Highways consider that additional passing places should be provided along the lane. These would need to measure 5.5 metres wide and at least 12.0 metres long, although this would depend on the largest expected vehicle size for the site. It would appear that one could be provided where there is an existing gated access to car parking for numbers 39 / 40 Lawrences Lane, and ideally a further passing place should be provided further north.
- 6.53 No proposals have been submitted, although it is conceivable that passing places could be provided using land within the public highway and the application site. This would, however, involve significant engineering works and vegetation clearance.

Vehicular access

- 6.54 Access is provided onto Lawrence Lane. There are no dimensions shown on the access, but the Highway Authority would require it to be at least 4.8 metres wide and have vehicle swept paths shown of the largest vehicles expected to visit the site. This all needs to be shown on a plan. A national speed limit of 100 kph (60 mph) is in place along this section of Lawrence Lane, however it is highly unlikely that vehicle speeds will be this high. A speed survey would therefore be required to determine sight lines onto the road for access, but no survey has been provided.
- 6.55 The access into the site would most likely remain private. This would mean that it would be unlikely that refuse vehicles would enter the site. A refuse collection point would therefore be required some 25 metres from Lawrences Lane. Details of a refuse collection point could be dealt with by planning condition.

Pedestrian access

- 6.56 The Highway Authority considers that the most challenging aspect of the proposed development is the provision of pedestrian access into the site. Any existing footways end at the T junction to the south. The provision of any pedestrian access into the site through the south west corner of the site would be challenging with regards to gradient and the presence of trees. It may be possible that pedestrians could walk on the road up to the site, especially should the road be closed to vehicular traffic (at least to the north of the site). However an added issue is that there is no street lighting present and there is no overlooking. Both of these items are required for pedestrian safety and security. It is unlikely that the provision of additional street lighting would be supported as it would impact on issues such as dark sky policies.

Proposals for restrictions along Lawrences Lane

- 6.57 Between February and April 2021 the Council consulted in principle on proposals for Lawrences Lane to restrict access for vehicles. The proposal was to stop motor vehicles from entering Lawrences Lane from the south and north at all times. This would assist in creating recreational access for walking and cycling to the countryside. Physical lockable barriers would be provided at either end. Vehicles would still be able to use the lane by accessing it from the north via The Ridge, Cold Ash but traffic would no longer be able to use it as a through route. The reduction in through traffic is intended to enhance Lawrences Lane as a cycling / walking route.
- 6.58 The initial consultation to the idea of closure was very positive. The proposed closure is therefore now progressing in further detail for a further consultation. Should the

consultation response be positive, then it is highly likely that the closure will be implemented.

- 6.59 The Highway Authority has not objected to the application on the basis of these proposals, as any such closure could take place from the north of the proposed access. The site also already has access to the public highway that cannot be stopped up. Highways therefore advise that such a closure does not therefore necessarily obstruct this proposal, but also it does not overcome the issues of passing places, as pedestrians along the lane would still need to be considered.

Conclusion

- 6.60 The application raises a number of highway issues covering vehicular and pedestrian access to the site. Notwithstanding the landscaping impact the access issue could be addressed with passing place. However, no work or submissions have taken place on this issue. However the Highways Officer is most concerned regarding pedestrian access to the site, and this may appear more difficult to resolve. As these matters have not been resolved, the Highway Authority raises an objection to this proposal on vehicular access and pedestrian access grounds.

Landscape and visual impacts

Policy context and site constraints

- 6.61 According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.
- 6.62 Policy CS19 states that particular regard will be given to (a) the sensitivity of the area to change, (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and (c) the conservation and, where appropriate, enhancement of heritage assets and their settings. It further states that proposals for development should be informed by and respond to the distinctive character areas and key characteristics identified in relevant landscape character assessments, features identified in various settlement character studies including the Quality Design SPD, community planning documents which have been adopted by the Council such as Parish Plans and Town and Village Design Statements.
- 6.63 Assessments of landscape and visual amenity can be by way of a formal Landscape and Visual Impact Assessment (LVIA) or an informal Landscape and Visual Appraisal (LVA). Policy TS3 seeks applications for traveller sites to be accompanied by Landscape and Visual Impact Assessment (LVIA); however, it is considered that LVA may be an appropriate approach for this scale of development. The application has not been accompanied by either a LVIA or LVA and so an assessment has been made at officer level.
- 6.64 The application site is located in open countryside outside, but close to the built up area of Thatcham. This area is also outside, but within the setting of, the North Wessex Downs Area of Outstanding Natural Beauty (AONB), the southern boundary of which is some 860 metres to the north. The area to the north of Thatcham is rural in character. Lawrences Lane is an unclassified road that connects Thatcham to The Ridge, a road that forms a linear limb of the rural settlement of Cold Ash, and which marks the start of

the AONB. Immediately after it passes north of the housing estate to the west, Lawrences Lane becomes a narrow winding rural road surrounded by hedgerow and without a footway.

- 6.65 A public footpath (THAT/6/1) runs roughly north-south connecting Dunston Park to Park Farm further up Lawrences Lane. It cuts through agricultural fields and comes within approximately 355m of the application site. A second footpath (COLD/23/1) continues along the other side of Lawrences Lane to The Ridge adjacent to St Gabriel's Convent. At its closest point this footpath is some 610m from the application site.
- 6.66 The West Berkshire Landscape Character Assessment (2019) includes the land within the *Cold Ash Woodland and Heathland Mosaic* (WH4) character area. The site is situated on the very edge of this character area, with the area extending to Hermitage, Cold Ash, Henwick, and towards Woolhampton, Beenham, Bradfield Southend, Englefield, up to Sulham. This is an area dominated by an east-west orientated, healthland ridge and characterised by varied topography, from flat plateau area to steeply undulating slopes. It provides a rural setting to the adjacent towns of Thatcham and Newbury and also in containing settlement within the area and contributing to the rural character. Open farmland on lower slopes contributes to a sense of separation between the elevated character area and the towns of Thatcham and Newbury in the valley below. The strong network of public rights of way, the extensive areas of open access land, and the proximity of these to the settlements of Newbury and Thatcham give the character area a high recreational value.
- 6.67 In terms of detractors in the character area there has been decreasing separation/coalescence between settlements. This has been seen with the expansion of Thatcham and Newbury since the mid-20th Century, and also of villages. Coalescence is evident along the main connecting roads between Newbury and Thatcham, Cold Ash, Ashmore Green, Curridge and Hermitage (located away from the application site). The area has already been subject of suburbanisation, with modern housing being developed, and suburban characteristics being introduced (e.g. pavements and street lighting). Farm buildings and small pasture fields adjacent to settlements have proved vulnerable to development, due to the presence of existing structures. Farm buildings do still contribute to rural character, and form a transition between settlement and countryside that can contribute positively to countryside character. There is pressure on the network of rural lanes, many of which are single track with few passing places. Heavy traffic on narrow lanes has a significant impact on countryside character, and highway improvements could create a more urban character which may be out of context as well as encourage greater usage.
- 6.68 As a landscape strategy it is recommended to retain a sense of distinction between individual settlements, and avoid extended linear development along roads, which creates a more developed character. More small scale focused development set back from main routes often has less impact on character and can be more readily contained by landscape. Avoiding measures to ease traffic flow that would have an adverse impact on character is also recommended. The potential of designated Quiet Lanes could be explored to discourage use of narrow lanes as 'rat runs' or by overly large vehicles (e.g. adequate signage and lower speed limits).
- 6.69 The North Wessex Downs AONB Position Statement of Setting gives examples of adverse impacts on the setting of the AONB to include (amongst others):
- loss of tranquillity through the introduction or increase of lighting, noise, or traffic movement or other environmental impact like dust, vibration, spatial associations and historic relationships;

- loss of biodiversity, particularly if of habitats or species of importance to the AONB;
- loss or harm to heritage assets and natural landscape, particularly if these are contiguous with the AONB;
- change of use of land where of a significant enough scale to cause harm to landscape character; and
- development individually or cumulatively giving rise to significantly increased traffic flows to and from the AONB, resulting in loss of tranquillity and erosion of the character of rural roads and lanes.

6.70 Adverse effects may not only be visual, a development that is noisy may well affect the tranquillity of the North Wessex Downs AONB even if not visible from the AONB.

The application site and proposals

6.71 When considering the impact on the character and appearance of the area of the conversion of the stable building (17/03522/FULMAJ), the Inspector provided the following commentary:

“The appeal site is outside, but close to, the built up area of Thatcham. The long boundary to Lawrences Lane is marked by a thick hedge of indigenous species. On my site visit, I noted that the building is difficult to see from public viewpoints outside the site and that the hedge along Lawrences Lane prevents clear views into the site, even in winter.

Were the proposal to go ahead, some works would need to take place to the access onto the lane, a gravel drive across the field would need to be laid and the alterations necessary to convert the existing building would result in a more obviously domestic appearance. However, in this location, close to the edge of Thatcham, I do not consider that these changes would amount to harm. I conclude that the proposal would not have an unacceptably adverse effect on the character or appearance of the area, and would comply with Policy C3 of the HSADPD and Policy CS14 of the West Berkshire Core Strategy (2006-2026). These policies seek, amongst other things, development that is designed having regard to and which respects the character of the area.”

6.72 Following the dismissal of this appeal, a subsequent application (21/00232/FULMAJ) was refused, in part, because of concerns with the impact on the character and appearance of the area. The following specific concerns were raised:

“The use a lightweight aluminum roof sheet is proposed, whereas residential dwellings in the nearby settlement all have roof tiled roofs. The proposed metal sheeting of a roof would not be in keeping with the character of the area and would give the building an agricultural appearance rather than a residential appearance.

A domestic curtilage of the size proposed is inappropriate in this location and would be intrusive given its size, elevation and local topography. The size would be inconsistent with nearby dwellings gardens and inappropriate in terms of the rural setting.”

6.73 Consideration has been given to these earlier conclusions, including that the stable building is difficult to see from public viewpoints, but that a domestic curtilage across the site was deemed to be intrusive. The proposed development is significantly different in

terms of the nature and extent of development across the site, which has substantially altered its character from open land with a stable building, to a developed travellers site.

- 6.74 The site features rising topography, forming a hill upon which an existing timber building is located, with a treed embankment along the lower parts of Lawrences Lane that gently recedes in height above carriageway level upon approach to the site access. Close boarded timber fencing has been erected at the top of the embankment as part of the proposals.
- 6.75 A track has been created from the existing access onto Lawrences Lane in the northern corner of the site. This wraps around the northern and western sides of the hill, broadly following a contour line. Whilst there may have been some localised levelling undertaken along the track, the areas of hardstanding largely follow the pre-existing topography. The plots have a fairly steep gradient down from the track. The track and plots have already been surfaced with hard-core, and it is proposed to finish the plots with gravel and small grass areas.
- 6.76 The seven pitches are already divided by close boarded fencing. It is proposed that each plot contain a caravan, a day room (permanent building), and a concrete slab for a mobile home. Whilst not shown on the proposed plans, two timber stable buildings have also been erected on plots 1 and 5 respectively, and it has been advised that these are proposed to be retained. When operational the site would also host the caravans, vehicles and domestic paraphernalia associated with residential occupation.

Impacts of development

- 6.77 The building and engineering operations that have taken place to date, as well as the siting of caravans and related paraphernalia are incongruous features within this landscape and are causing harm to the rural character of the site. This is in terms of the encroachment of urban development further up Lawrences Lane, which is a recognised detractor in this landscape character area.
- 6.78 Despite the roadside vegetation, this boundary fence is visible along the length of Lawrences Lane, at an elevated level, after it passes north-east of the housing estate. The tops of some roofs within the site are visible over the boundary fence. The close boarded fencing visibly extends development further up Lawrences Lane, harming the visual amenity of the lane.
- 6.79 To address the highway objection regarding vehicular access it would be necessary to introduce passing places along Lawrences Lane. To address the highway objection regarding pedestrian access it would be necessary to introduce either a footway along the southern portion of Lawrences Lane to the site access, or a new pedestrian access into the site at the south-western corner (including ramps because of the change in ground levels). These highway works would involve significant engineering operations that would further detract from the rural character of the lane.
- 6.80 The site is visible in glimpsed distant views from the public footpath to the east and north-east. The existing building and northern corner of the site are visible in a number of views along the footpath and on approaching from Lawrences Lane to the north. Otherwise, the visual impact of the site is relatively localised because of the undulating topography and tree cover. Notwithstanding the largely localised nature of the impact, it is considered that the development detracts from the landscape character and visual amenity of the area within a sensitive location.
- 6.81 The propensity of the development to introduce additional traffic, including occasional larger vehicles, is also considered to detract from the landscape character of the area. Heavy traffic on narrow rural lanes is another recognised detractor within this landscape character area.

- 6.82 The Council's draft proposals to restrict access for vehicles to create quiet routes for access to the countryside demonstrates that this is a key issue along Lawrences Lane, and increases the weight that should be given to this consideration. The increased traffic generated by the development would be inconsistent with these draft proposals.
- 6.83 Policy CS19 states that regard should be given to the sensitivity of the landscape to change. Whilst the site falls outside of the AONB, the countryside within which the site lies between Thatcham and The Ridge, forms part of the setting of the AONB and is therefore particularly sensitive to change.
- 6.84 Notwithstanding the localised extent of the impact, the proposed development would cause demonstrable harm in terms of landscape character and visual amenity, having regard to the identified detractors for this landscape, which forms part of the setting of the North Wessex Downs AONB. The highway works that would be required to address the highway objections to the proposed development would cause further harm through the urbanisation of the rural lane. The application is therefore contrary to the National Planning Policy Framework, Policies CS14 and CS19, the West Berkshire Landscape Character Assessment, and the North Wessex Downs AONB Management Plan and Position Statement on Setting.

Intentional unauthorised development

- 6.85 On 31st August 2015, DCLG issued a letter to Chief Planning Officers in England with a planning policy statement, which was later confirmed by a Ministerial Statement to Parliament on 17th December 2015. This statement made changes to national planning policy to make intentional unauthorised development a material consideration. It states:
- 6.86 *'The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.'*
- 6.87 *'For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015.'*
- 6.88 This policy statement makes clear that if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site. Whilst this does not mean that retrospective applications will be automatically refused, it does mean that failure to seek permission in advance of occupation will count against the application.
- 6.89 This planning application was submitted at 16:29 on Friday 13th August 2021 via the Planning Portal. The development commenced that evening. It is clear that the timings were deliberate, and an attempt to carry out the development and occupy the site before coming to the attention of the Local Planning Authority.
- 6.90 As described elsewhere in this report, this deliberate unauthorised development has caused demonstrable harm in several respects. It has caused the loss of, and ongoing threat to, trees. It has resulted in the laying of hardstanding without appropriate drainage or archaeological supervision. It has also undermined community cohesion. The intentional unauthorised development that has taken place weighs against granting planning permission.

Community cohesion

- 6.91 Chapter 8 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 6.92 According to Policy CS14, development proposals will be expected to (amongst others) create safe environments, addressing crime prevention and community safety; and consider opportunities for a mix of uses.
- 6.93 A specific consideration for traveller sites in Policy CS7 is “the possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers”. Paragraph 26 of the PPTS also states that local planning authorities should attach weight to not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.94 Objections have been received from 287 contributors, and the comments made includes concerns relevant to the issue of community cohesion. In addition to a review of all public representations, the assessment of this issue has been undertaken in consultation with the Council’s Countryside Team, and Thames Valley Police.
- 6.95 The location and nature of the site is considered to have several positive attributes in terms of its potential to promote social cohesion:
- a) The current site has a clear natural boundary between the settled community and the site. It provides good natural screening and security to both communities. It is also likely to be a good noise barrier and also filter between the site and the nearby residential estate for any on-site lighting.
 - b) Notwithstanding any concerns with the impacts on the character and appearance of the area, close boarded fencing of the nature and size erected around the perimeter of the site is commonly associated with residential developments. It is considered that the perimeter fencing strikes an appropriate balance between providing security and avoiding an impression of deliberate isolation from the community.
 - c) Notwithstanding any concerns of the Highway Authority in terms of safe and suitable access, the general location of the application site is such that future occupants would have close access to local roads and all the usual local amenities. There is easy access from the bottom of Lawrences Lane to essential services,

and facilities promote social contact with other residents in the settled community therefore encouraging a greater sense of community with shared interests. Access along Lawrences Lane is shared with the existing settled community and not separated which would suggest that the travellers are isolated, and perhaps being marginalised. So overall it is a site which has a shared access to essential services but has an effective existing natural separation which has benefits for both communities.

- d) The site appears to be relatively sustainable, offering scope to manage an integrated coexistence with the local community. The natural separation between both communities may assist in addressing concerns about noise and possible disturbance to travellers living on the site and possible noise and disturbance to the wider community, in particular from movement of vehicles within the site.
- e) The number of pitches proposed is not considered excessive for any one site, which again reduces impact on the settled community and should allow both communities to co-exist.

6.96 There are also considered to be negative attributes to the location and nature of the site:

- a) There are no existing play areas nearby, the closest being at Bradley-Moore Square. Whilst a private play area is proposed within the development for the future occupants, this does not provide an opportunity for the children from both communities to play together. Children often play a key role in breaking down social and cultural barriers and improve social cohesion.
- b) Given the nature and route of Lawrences Lane it is considered that there is potential for disturbances to the wider community, particularly from the movement of larger vehicles and caravans.
- c) The public representation letters indicate a range of concerns regarding fear of crime and indicate the unlikelihood of community cohesion.

6.97 It is clear from the representations that the fact that the development was largely undertaken without planning permission has substantially undermined community cohesion. This approach has meant that the usual considerations when allocating traveller sites haven't been able to go through the usual processes. This would include designing in measures to improve or overcome social cohesion issues, and of course consultation with local communities. In this respect it is recognised that such intentional unauthorised development is capable of being a material consideration weighing against an application, and this is one type of harm where that has been no opportunity to appropriately limit or mitigate the harm that has already taken place.

6.98 Thames Valley Police advise that they received a number of calls from the community reporting the initial works at the site, but after these initial reports there have been no further complaints to the Police with regards to the Gypsy, Roma and Traveller (GRT) community. However, there have been reports from the GRT community of crimes and hate incidents where they have been the victims. The GRT community at this location have been engaging with the local neighbourhood policing team and have asked organisations for their help in facilitating integration into the local community. The GRT community have requested an opportunity to meet with the local residents to alleviate any concerns they may have in a public meeting.

6.99 A balanced conclusion is required on this consideration. There are clearly strong views expressed within the public representations regarding various aspects of community cohesion. The unauthorised development that has taken place has already substantially undermined community cohesion and made it difficult to proactively put in place measures to overcome such barriers. On the other hand, the location of the site is such

that it has a number of positive attributes in this respect. Policy CS7 seeks the possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers; on balance it is considered that there is a reasonable possibility for this to be achieved.

Neighbouring amenity

- 6.100 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.101 Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Applications will typically be assessed in terms of any significant loss of light, overlooking of neighbouring buildings or land, and whether the proposal would result in any undue sense of enclosure, overbearing impact, or harmful loss of outlook to neighbouring properties.
- 6.102 Environmental impacts such as noise, disturbance, fumes and odours can also be relevant considerations. According to Policy OVS.6, the Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty.
- 6.103 Specific to traveller sites, Policy CS7 also seeks to provide adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers; and to consider the compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities.
- 6.104 Given the separation distance and the existing natural boundaries that lie between the application site and nearby dwellings, the proposed development does not raise any concerns with respect to the physical impacts of development, such as any potential loss of light, loss of outlook, or any overbearing impacts. This is both in respect of impacts on existing residents and future occupants of the site. A combination of the existing natural boundaries and the proposed boundary fencing is also considered to provide an adequate level of privacy both for the site and surrounding dwellings.
- 6.105 The existing dwellings within the housing estate to the west of Lawrences Lane (a western arm of Lawrences Lane and Acorn Drive) are accessed primarily via the same southern stretch of Lawrences Lane. The additional small vehicle traffic associated with the proposed seven pitches is not considered likely to cause materially greater disturbance on the local roads (in terms of local amenity – visual presence and noise) than the existing traffic that will be associated with these dwellings.
- 6.106 The application submission confirms that no mixed uses are proposed within the application site, and therefore there are no movements that need to be associated with any commercial use as part of this application.
- 6.107 Concerns have been raised regarding the vehicle movements associated with the unauthorised development that has taken place to date. Whilst the frequency of vehicle movements after construction is likely to be less, the nature of a caravan is that it is mobile and capable of being moved. It is considered that any movements of caravans (either towed or carried) along Lawrences Lane is likely to have a noticeable impact on

neighbouring amenity, particularly in place where it is necessary to navigate the more narrow and winding sections of the road. From a perspective of safeguarding neighbouring residential amenity, there is considered to be an adverse effect on neighbouring amenity in this respect.

Flood risk and sustainable drainage

- 6.108 The site is located within Flood Zone 1, which indicates a low risk of fluvial (river) flooding. It is also not within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As minor development, a Flood Risk Assessment (FRA) is not required by Policy CS16, and there are no fundamental policy objections to the development on grounds of flood risk.
- 6.109 Notwithstanding the absence of any such fundamental flood risk objections, Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The Council has adopted a Sustainable Drainage SPD which supports this policy, and provides examples of measures that can be incorporated into even minor developments.
- 6.110 The Lead Local Flood Authority (LLFA) recognises that there are no fundamental objections on flood risk, but do raise concerns with the absence of any surface water or foul drainage proposals accompanying the application. A compacted hard-core base has already been laid over the site, which the LLFA advises will be impermeable and allow for no infiltration. Surface water run-off will occur from the hard-core and that must not be allowed to run onto adjacent land or the highway.
- 6.111 The LLFA advises that a suitable drainage strategy must be provided which includes a SuDS scheme based on existing ground conditions and permeability to address these concerns. The SuDS measures must be sufficient to deal with run-off from a 1 in 100 year event + 40% for climate change, plus a further 10% for 'urban creep' (further development within the site). These proposals must be in accordance with the Council's SuDS Supplementary Planning Document (2018), the SuDS Manual and current best practice. The proposals must have regard to the inclusion of green SuDS measures. A maintenance plan for the SuDS measures must also be provided. Proposals for dealing with polluted run-off during construction works must be provided, particularly to ensure that no silt laden run-off is allowed to flow onto the highway or adjacent land.
- 6.112 Whilst a detailed drainage strategy could normally be reserved for later approval by condition, the part-retrospective nature of the development and other considerations affected by the hardstanding (e.g. relationship to trees) mean that it is necessary to provide a drainage strategy at the application stage.
- 6.113 Representations have been received during the consideration of this application which suggest that the development which has been undertaken has caused localised flooding issues along Lawrences Lane. The LLFA has confirmed that surface water should be managed on the site in such a way that it does not cause damage to the boundaries, which would include hedgerows, embankments and verges. Surface water should not be allowed to run off the site onto the adjacent highway as a result of the development, but it appears that this is happening through the creation of new flow path(s) for rainfall run-off which is concentrating the water in one or two places.

6.114 In the absence of any a proposed drainage strategy, the proposed development is contrary to Policy CS16, the Council's adopted Sustainable Drainage SPD, and the National Planning Policy Framework.

Green infrastructure

6.115 Green infrastructure (GI) is the network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes, and is integral to the health and quality of life of sustainable communities. For the purposes of the Core Strategy, green infrastructure is defined as including (amongst others): natural and semi-natural green spaces (including woodlands, urban forestry, scrub, grassland; and green corridors (including rights of way).

6.116 According to Policy CS18, the district's green infrastructure will be protected and enhanced. New developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network. Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.

6.117 As open grassland (before the development commenced), the application site comprised green infrastructure. This GI has been lost without replacement, contrary to Policy CS18. There has also been tree loss associated with the development, as elaborated below.

6.118 In terms of the provision of new green infrastructure with developments, given the size of the site (below 10 units) there is no requirement under Policy RL.1 of the Local Plan for the provision of public open space. The site does, however, provide a small area of private open space for recreation between two pitches in a central location.

6.119 Overall, there is a net loss of green infrastructure as a result of the proposed development, contrary to Policy CS18.

Ecology and biodiversity

6.120 According to Policy CS17, biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance. Policy CS17 states that development which may harm, either directly or indirectly,

- locally designated sites (Local Wildlife Sites and Local Geological Sites), or
- habitats or species of principal importance for the purpose of conserving biodiversity, or
- the integrity or continuity of landscape features of major importance for wild flora and fauna

will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation

and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.

- 6.121 In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan. Opportunities will be taken to create links between natural habitats and, in particular, strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Areas identified on the Proposals Map in accordance with the Berkshire Biodiversity Action Plan.
- 6.122 Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and geological conservation) makes clear that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission can be granted, otherwise all relevant material considerations may not have been addressed in making the decision. In this instance it is considered that there is a reasonable likelihood of protected species and other ecology being present and affected by the development.
- 6.123 The application was not accompanied by any ecological appraisal. The Council's Ecologist advised that an Ecological Scoping Report is required, and that this may lead to further surveys also needing to be submitted before this application can be potentially approved. Previous ecological surveys have been undertaken in relation to the proposals for the conversion of the residential building. In June 2017 an Extended Phase 1 Habitat and Daytime Bat Survey was undertaken. An updated survey (or Preliminary Ecological Appraisal) was undertaken in January 2021. This updated survey has been resubmitted for this application in response to the Ecologist's request. The site boundary that was surveyed included the whole of the current application site. The survey remains valid in terms of its age, but the proposals it considered have changed.
- 6.124 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.
- 6.125 The Council's Ecologist considers that the lack of bat transect and roost surveys and a reptile survey have not been justified in light of the different proposal, and therefore this application cannot be considered for approval until this survey data has been submitted.
- 6.126 The Council's Ecologist also advises that there are potential unquantified impacts on the northern retained hedgerow that have not been taken into account. Hedgerows are a priority habitat under section 41 of the Natural Environment and Rural Communities Act (NERC) 2006, and thus because the impacts on the hedgerow have not been quantified the Ecologist advises that the application also cannot be considered for approval on this basis.
- 6.127 The Council's Ecologist is not sufficiently content that the recreational disturbance impacts on two nearby local wildlife sites (LWS), one of which is ancient woodland, has been considered and quantified, so it is not clear whether mitigation and/or compensatory measures are required and/or could be put in place.
- 6.128 Whilst not mandatory in West Berkshire outside of biodiversity opportunity areas (BOAs) (and strongly supported nationally by the NPPF), the Council's Ecologist advises that having a Biodiversity Net Gain Assessment undertaken would provide more confidence that the proposals would deliver positive gains for biodiversity. This point is not a reason for refusal but would allow the Council to further qualify the environmental merits of the scheme.

6.129 The Council's Ecologist advises that overland/surface water flows shown at the entrance to the site will mean that measures to control potential water contaminants will be needed in this area in the construction and post construction phases. It is considered that such details could be dealt with by condition.

6.130 Overall, the Council's Ecologist cannot recommend that the application is considered for approval because there is currently insufficient information to fully assess the possible impacts, the resulting mitigation and compensatory measures, and therefore the acceptability of the proposals.

6.131 For the foregoing reasons, the application is contrary to the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

Trees

6.132 The application site does not contain any tree preservation orders (TPOs) and is not within a conservation area (wherein trees are protected), however there are many trees around the perimeter of the site that collectively make a positive contribution to the street scene and character of the area.

6.133 The Council's Tree Officer has visited the site and noted that the field is bounded to the north and west by old hedge on a bank, parts of which seem to have been removed to facilitate the erection of fencing. Other direct impacts that have been noted include at least one HGV was parked very close to a Hazel stool, and excavations have been made around individual trees on the site to facilitate the localised levelling and surfacing of land.

6.134 The Tree Officer has advised that the parking of vehicles, laying of aggregate and compaction of the soil close to the boundary hedge will negatively impact the root protection area of the trees within it.

6.135 There are other trees on the eastern side which will also be affected by increased vehicle movements into and out of the site. The Tree Officer advises that a 3D cellular confinement system should be used at the entrance track to ensure damage to tree roots is minimised, although this is not proposed.

6.136 The Tree Officer objects to the application as presented because the pitches are considered to be too close to the northern and western boundary hedge, and there is no ground protection for trees near the site access. These factors have caused and will lead to further loss of trees, thereby negatively impacting on local amenity.

6.137 To overcome this objection, an Arboricultural Method Statement and remediation would be required. In the absence of an acceptable submission, and a proposed site layout that responds accordingly, the application is contrary to Policies CS14, CS17, CS18 and CS19, and the National Planning Policy Framework.

Heritage

6.138 No conservation areas are affected by the proposed development. There are three listed buildings within proximity of the site:

- a) Coopers Farm is a grade II listed building on the residential lower limb of Lawrences Lane. Given the intervening buildings and natural boundary, there is no direct inter-visibility and thus no material impact on the setting of this building.
- b) Four Winds is a grade II listed building located off Floral Way to the south-west of the application site. Given the natural boundary of the site and further

intervening vegetation on the south side of Floral Way, there is no direct inter-visibility and thus no material impact on the setting of this building.

- c) Further afield, Tithe Barn, Hatchgate Close, Cold Ash is a grade II listed building to the north-west. Given the large separation distance, topography and intervening natural features there is no direct inter-visibility and thus no material impact on the setting of this building.

6.139 The application to redevelop this land is of some archaeological interest due to the nearby known presence of later prehistoric activity. Within 100m to the south archaeological investigations for Dunstan Park found features of Early Iron Age date, with evidence of early iron working. A prehistoric settlement may be present in this area. More recent analysis of cropmarks and LiDAR data suggests linear earthworks survive close by the north and east, possibly representing an enclosure of unknown date. In the historic period, this field was part of an 18th century landscape park around a short-lived mansion.

6.140 No details have been provided of any archaeological fieldwork having been carried out in this plot. Groundworks, levelling for pitches and other landscaping could potentially destroy any surviving heritage assets of archaeological interest so the Council's Archaeologist considers that archaeological supervision is justified. Such supervision for any further works could be secured by condition.

Site design

6.141 According to Policy CS14, good design relates not only to the appearance of a development, but the way in which it functions. Consistent with the PPTS, Policy CS7 seeks the provision for adequate on site facilities for parking, storage, play and residential amenity. Policy TS3 states that proposals will (amongst other considerations): (1) include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design; (2) be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose; and (3) Provide a design, layout and siting plan for the development.

6.142 The *Designing Gypsy and Traveller Sites Good Practice Guide* (DCLG, May 2008) is now cancelled, but sought to establish and summarise the key elements needed to design a successful site. Although the guidance was formally cancelled, in the absence of any updated guidance it continues to provide a useful reference.

Services

6.143 According to Policy TS3 planning applications should be accompanied by an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. It is also essential that sites are provided with an electricity supply and sanitation.

6.144 According to the application form, surface water will be disposed of by soakaway, and foul sewage by septic tank, but no detailed specifications have been provided. No details have been provided with respect to water supply, although it is understood from the site visit that a borehole is currently being used. No details have been provided with respect the electricity supply, although it is understood that an existing connection at the site has been used. It is considered the detailed information could be agreed pursuant to conditions.

6.145 If granted planning permission, the site would be served by the Council's waste collection services, although a refuse collection point would be required near to the public highway. Details of a collection point could be agreed under the terms of a planning condition.

Site layout

6.146 In terms of design, it is considered that the layout and orientation of the proposed pitches is considered acceptable, offering reasonable privacy and natural surveillance. A day room is proposed on each pitch, as well as small grassed landscaping and concrete pad.

6.147 A small communal play area is proposed, comprising a strip of grass between two pitches. There is low fencing to the side of each pitch, and the central location of the play area is considered appropriate in terms of providing natural surveillance.

6.148 The site benefits from a pre-existing natural boundary, albeit eroded by the recent unauthorised works. This land could, however, be subject to a landscaping scheme secured by condition. There is limited soft landscaping proposed within the developed areas of the site, and the small area of grass within individual pitches will do little to soften the internal appearance of the site. However, given that this impact is contained to within the application site, it is not considered objectionable.

6.149 Whilst it does not form part of the proposed development, it has been advised that the land adjacent to the application site enclosed by the blue line (which accommodates the existing building) would be used for the grazing of animals.

Mixed uses

6.150 The application submission confirms that no mixed uses are proposed as part of this application.

Human rights and equalities

6.151 Human Rights are a material consideration in planning decision making. Such considerations may include Article 8 of the European Convention on Human Rights (ECHR) (right to respect for private and family life and home); Article 2 of the ECHR (right to a proper education), and the best interests of the child.

6.152 This assessment requires consideration of personal data and so is provided under a separate Part II report. It is concluded therein that the known personal circumstances do not carry sufficient weight to override the policy considerations of the proposal, together with the demonstrable harm caused by the development.

Other matters

6.153 **Infrastructure:** Public representations have raised concerns with the impact of the development in local infrastructure, including schools and healthcare facilities. According to the Council's adopted Planning Obligations SPD, incremental increases in school capacity, of capacity at local surgeries, will be delivered through the Community Infrastructure Levy. Section 106 planning obligations will only be used for extensions or new buildings/facilities that are required directly as a result of new development. Given the scale of development, a planning obligation to mitigate infrastructure impacts is not considered to be justified.

6.154 **Non-planning issues:** In response to the public consultation, a number of comments have been received that relates to issues that are not material planning considerations,

and so cannot be taken into account in the determination of the application. These are grouped together in the above summary.

6.155 **Not greenbelt:** Some of the public representations refer to green belt; however the application site is not located within a green belt. Nevertheless, landscape and visual amenity is a material consideration that has been examined above.

7. Planning Balance and Conclusion

Conflict with the development plan

7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Policy CS7 is the principal policy for assessing this application. The proposed development is considered to comply with the following elements of the policy:

- a) Easy access to local services including a bus route, shops, schools and health services.
- b) Located outside areas of high flooding risk.
- c) Provision for adequate on site facilities for parking, storage, play and residential amenity.
- d) Opportunities for an element of authorised mixed uses - not proposed, but the absence of such a proposal is not objectionable.

7.2 The proposed development is considered to conflict with the following elements of the policy:

- a) Safe and easy access to major roads and public transport services – in accordance with the highway objection.
- b) The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers – in terms of harm to residential amenity from large vehicle movements.
- c) The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities – in terms of disturbance from large vehicle movements.
- d) Will not materially harm the physical and visual character of the area.
- e) Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.

7.3 As the proposal conflicts with Policy CS7, it is considered to be contrary to the Council's planning policy strategy for gypsy and traveller sites and the wider spatial strategy for development within the district. The application also conflicts with Policy TS3 in terms of several detailed considerations.

7.4 Given that the development plan is consistent with the NPPF, the PPTS, the conflict with Policy CS7 and TS3 is considered to attract substantial weight against granting planning permission.

Planning balance

- 7.5 The following considerations **weigh in favour** of granting planning permission:
- a) The provision of seven pitches which will provide homes to seven households and contribute to the district's supply of gypsy and traveller pitches.
 - b) The site is in a relatively accessible location in terms of access to local services and amenities within Thatcham. The site is not considered to be contrary to paragraph 25 of the PPTS in terms of avoiding sites in open countryside (note, 'open countryside' in this context is different from its use in Policy ADPP1).
 - c) Whilst the intentional unauthorised development has undermined social cohesion (this is weighed in the balance separately below), it is considered that there is the possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy both within the site and with neighbouring occupiers.
- 7.6 The following considerations **weigh against** granting planning permission:
- a) The proposed development does not facilitate safe and suitable access for all. The Highway Authority objection on the grounds of vehicular and pedestrian access, and resultant concerns with highway safety.
 - b) The proposed development would detract from the landscape character of the area, primarily through the encroachment of development further along Lawrences Lane, with the associated visual impact of development and the required highway works. The increase in heavy traffic along the road is also a detracting factor.
 - c) The intentional unauthorised development weighs against the application. The carrying out of development before seeking planning permission has caused demonstrable harm in terms of undermining social cohesion, impacts on trees, land drainage and archaeology.
 - d) The disturbance to local residential amenity through the movement of larger vehicles associated with the development.
 - e) The absence of an acceptable drainage strategy.
 - f) The net loss of green infrastructure.
 - g) The insufficient information on the ecological impacts of the development.
 - h) The tree loss to date, and the ongoing threat to retained trees.
 - i) The potential adverse effect on underground archaeology.
- 7.7 The following considerations are considered to have a **neutral effect** in the planning balance:
- a) Whilst the site is previously developed land, for the reasons set out in this report it is not considered that this consideration carried any determinative weight in this instance.
 - b) No demonstrable harm to neighbouring amenity in terms of the built form and physical presence of caravans. This has a neutral effect because it is a minimum policy expectation of all development.

- c) The application site is located in Flood Zone 1 (which has the lowest probability of fluvial flooding) and is not within a critical drainage area. This has a neutral effect because it is a minimum policy expectation of all development.
 - d) There is no evidence of contaminated land.
 - e) The proposal is considered to achieve a good standard of design for a gypsy and traveller site. This has a neutral effect because good design is a minimal policy expectation of all development.
- 7.8 Taken together the adverse effects of the proposed development are considered to outweigh the benefits of granting planning permission.
- 7.9 Overall, the proposed development conflicts with the development plan, and the adverse effects of the proposed development are considered to outweigh the benefits. Regard has also been given to other legal duties placed upon the Council as a local authority, and it is considered that the personal circumstances of the proposed occupants do not justify the granting of planning permission in contravention of the development plan. As such, the application is recommended for refusal.

8. Full Recommendation

- 8.1 To delegate to the *Service Director – Development and Regulation* to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1. **Inaccurate drawings**

The submitted drawings include the following inaccuracies:

- a) There are conflicting measurement annotations on drawing number 001 09/08/2021 Rev 1:1 (plans and elevations of day rooms): the title states 800m x 400m whereas the plan dimensions are 8000mm x 4000mm.
- b) The size and shape of plots 6 and 7 as built deviate from the proposed site plans, as the boundary location between the two is markedly different.
- c) The site plan does not show the two stable buildings that have been erected on plots 1 and 5, and no elevations or plans have been provided.

2. **Principle of development (CS7)**

According to Policy ADPP1, the scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Policy CS7 (Gypsies, Travellers and Travelling Showpeople) is the principal development management policy for this proposed development. It states that to meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. For the purpose of considering planning applications relating to sites not identified in the relevant DPD, Policy CS7 gives nine criteria which must be satisfied for sites outside settlement boundaries.

The provision of additional pitches at the application site would contribute positively to meeting the overall need in West Berkshire. However, for the reasons elaborated below, the proposed development fails to comply with Policy CS7 because it does not comply with the following criteria:

- a) Safe and easy access to major roads and public transport services;
- b) The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;
- c) The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements...;
- d) Will not materially harm the physical and visual character of the area;
- e) Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.

The proposed development also fails to comply with the following criteria of Policy TS3 (Detailed Planning Considerations for Travellers Sites):

- a) Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).
- b) Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.
- c) Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).
- d) Identify measures to be provided to mitigate the impact of development on the local road network....
- e) Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.
- f) Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.

Consequently, the application conflicts with Policies ADPP1 and CS7 of the West Berkshire Core Strategy 2006-2026, Policy TS3 of the Housing Site Allocations DPD 2006-2026, the National Planning Policy Framework, and the Planning Policy for Travellers Sites. The intentional unauthorised development undertaken is also contrary to national policy set out in the DCLG Chief Planning Officer letter dated 31st August 2015, and the associated Ministerial Statement to Parliament on 17th December 2015.

3. Substandard road

The proposal would generate additional traffic on Lawrences Lane, which is sub-standard in respect of road width and would result in the increased risk of accidents to road users. This would be contrary to the National Planning Policy Framework, and Policies CS7, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

4. Substandard pedestrian access

The proposal would generate additional pedestrian traffic on Lawrences Lane which is sub-standard in respect of road width, lighting and security and would result in the increased risk of accidents to road users. This would be contrary to the National

Planning Policy Framework, Policies CS7, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy LTP3 of the Local Transport Plan for West Berkshire 2011-2026, and the Council's declared Climate Change Emergency.

5. Landscape and visual amenity

The application site is located in a sensitive rural location within open countryside to the north of Thatcham that forms part of the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Lawrences Lane is an unclassified, narrow and winding, rural road that connects Thatcham and Cold Ash. It is locally valued as a recreational route for pedestrians and cyclists, as demonstrated by recent proposals to restrict motor vehicle traffic and create a quiet route for recreational access to the countryside.

The West Berkshire Landscape Character Assessment (2019) includes the land within the Cold Ash Woodland and Heathland Mosaic (WH4) character area. The area is dominated by an east-west orientated, heathland ridge and characterised by varied topography, from flat plateau area to steeply undulating slopes. It provides a rural setting to the adjacent towns of Thatcham and Newbury and also in containing settlement within the area and contributing to the rural character. Open farmland on lower slopes contributes to a sense of separation between the elevated character area and the towns of Thatcham and Newbury in the valley below. The strong network of public rights of way, the extensive areas of open access land, and the proximity of these to the settlements of Newbury and Thatcham give the character area a high recreational value.

The proposed development would detract from the landscape character of the area as the characteristics of the development are consistent with identified detractors in the LCA. Firstly, the development would extend development further up Lawrences Lane, thereby decreasing the separation between settlements and eroding the transition between settlement and countryside. This is contrary to the area's landscape strategy which seeks to avoid extended linear development along roads, which creates a more developed character.

The proposed development also has an adverse visual impact through the introduction of fencing and the siting of caravans on the land. Whilst the visual impact is localised to the stretch of Lawrences Lane outside the application site, and some distance glimpsed views further up Lawrences Lane and from the public footpath to the east, the visible development is nevertheless a detracting feature in the landscape.

The propensity of the development to introduce additional traffic, including occasional larger vehicles, would further detract from the landscape character of the area. Heavy traffic on narrow rural lanes is another recognised detractor within this landscape character area. The Council's draft proposals to restrict access for vehicles to create quiet routes for access to the countryside demonstrates that this is a key issue along Lawrences Lane, and increases the weight that should be given to this consideration. The increased traffic generated by the development would be inconsistent with these draft proposals, which are another element of the landscape strategy for the area.

The application is therefore contrary to the National Planning Policy Framework, Policies CS14 and CS19, the West Berkshire Landscape Character Assessment (2019), and the North Wessex Downs AONB Management Plan and Position Statement on Setting.

6. Amenity

According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that

developments create places with a high standard of amenity for existing and future users. Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Specific to traveller sites, Policy CS7 also seeks to consider the compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements.

Concerns have been raised regarding the vehicle movements associated with the unauthorised development that has taken place to date. Whilst the frequency of vehicle movements after construction is likely to be less, the nature of a caravan is that it is mobile and capable of being moved. It is considered that any movements of caravans (either towed or carried) along Lawrences Lane is likely to have a noticeable impact on neighbouring amenity, particularly in place where it is necessary to navigate the more narrow and winding sections of the road. From a perspective of safeguarding neighbouring residential amenity, there is considered to be an adverse effect on neighbouring amenity in this respect. This application is therefore contrary to the National Planning Policy Framework, and Policies CS7 and CS14 of the West Berkshire Core Strategy 2006-2026.

7. Drainage

The site is located within Flood Zone 1, which indicates a low risk of fluvial (river) flooding. It is also not within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As minor development, a Flood Risk Assessment (FRA) is not required by Policy CS16, and there are no fundamental policy objections to the development on grounds of flood risk. However, Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The application is not accompanied by any drainage strategy to indicate how the development could comply with Policy CS16. Whilst detailed specifications may be reserved for consideration by condition, the key principles of a drainage strategy are required before any planning permission can be granted. The application is contrary to Policy CS16, the Council's adopted Sustainable Drainage SPD, and the National Planning Policy Framework.

8. Green infrastructure

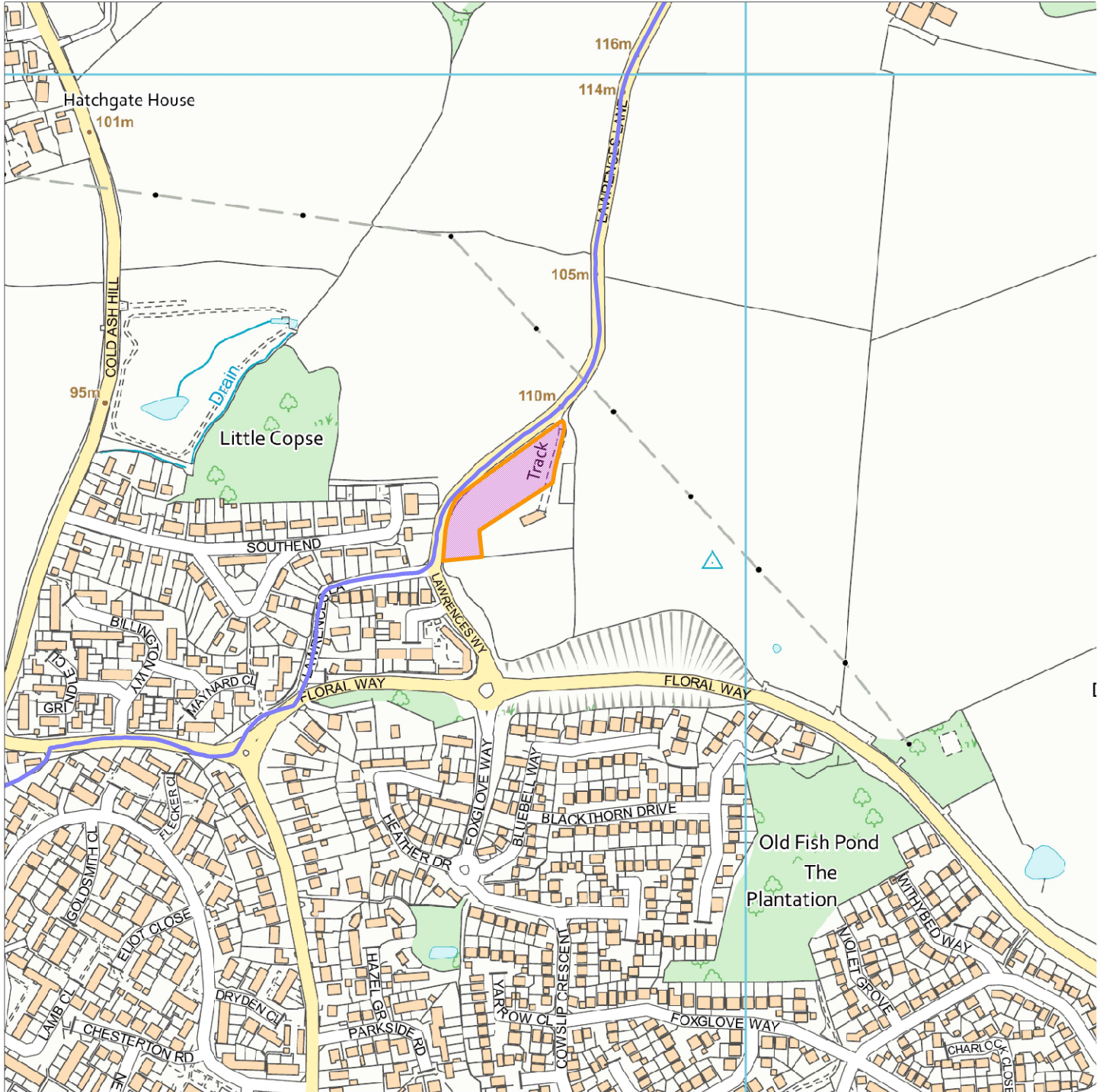
Green infrastructure (GI) is the network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes, and is integral to the health and quality of life of sustainable communities. For the purposes of the Core Strategy, green infrastructure is defined as including (amongst others): natural and semi-natural green spaces (including woodlands, urban forestry, scrub, grassland; and green corridors (including rights of way). According to Policy CS18, the district's green infrastructure will be protected and enhanced. Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.

As open grassland (before the development commenced), the application site comprised green infrastructure. This GI has been lost without replacement, contrary to Policy CS18. There has also been tree loss associated with the development, as elaborated below. Overall, there is a net loss of green infrastructure as a result of the proposed development, contrary to Policy CS18.

9. **Trees**

Whilst the application site does not contain any tree preservation orders (TPOs) and is not within a conservation area, there are many trees around the perimeter of the site that collectively make a positive contribution to the street scene and character of the area. The site is bounded to the north and west by old hedge on a bank, parts of which seem to have been removed to facilitate the erection of fencing. Other direct impacts that have been noted include at least one HGV was parked very close to a Hazel stool, and excavations have been made around individual trees on the site to facilitate the localised levelling and surfacing of land.

The parking of vehicles, laying of aggregate and compaction of the soil close to the boundary hedge will negatively impact the root protection area of the trees within it. There are other trees on the eastern side which will also be affected by increased vehicle movements into and out of the site. These factors have caused and will lead to further loss of trees, thereby negatively impacting on local amenity, and no mitigation measures are proposed. In the absence of an acceptable Arboricultural Method Statement and remediation, and a proposed site layout that responds accordingly, the proposal will result in an unacceptable threat to the sustainability of trees that contribute to the landscape character of the area, and damage that would lead to decline is unacceptable because tree loss would impact on local amenity. The application is therefore contrary to Policies CS14, CS17, CS18 and CS19, and the National Planning Policy Framework.



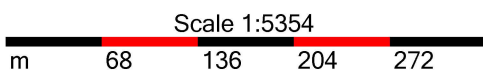
Map Centre Coordinates :

Scale : 1:5354

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| | |
|---------------------|------------------------|
| Organisation | West Berkshire Council |
| Department | |
| Comments | Not Set |
| Date | 05 November 2021 |
| SLA Number | 0100024151 |



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

Wednesday 17th November 2021 at 6.30pm

**At Council Chamber, Council Offices, Market Street,
Newbury, RG14 5LD**

And via Zoom

[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*



21/02112/FUL
Land at
Lawrences Lane
Thatcham
West Berkshire
(nearest post code RG18 4EN)

Application for Planning Permission. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number

Suffix

Property name

Address line 1

Address line 2

Address line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

2. Applicant Details

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

Town/city

Country

2. Applicant Details

Postcode

Are you an agent acting on behalf of the applicant?

Yes No

Primary number

Secondary number

Fax number

Email address

3. Agent Details

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

Town/city

Country

Postcode

Primary number

Secondary number

Fax number

Email

4. Site Area

What is the measurement of the site area? (numeric characters only)

Unit

5. Description of the Proposal

Please note in regard to:

- Fire Statements - From 1 August 2021, planning applications for buildings of over 18 metres (or 7 stories) tall containing more than one dwelling will require a 'Fire Statement' for the application to be considered valid. There are some exemptions. View government planning guidance on fire statements or access the fire statement template and guidance.
- Permission In Principle - If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.
- Public Service Infrastructure - From 1 August 2021, applications for certain public service infrastructure developments will be eligible for faster determination timeframes. See help for further details or view government planning guidance on determination periods.

Description

Please describe details of the proposed development or works including any change of use.

5. Description of the Proposal

Has the work or change of use already started?

Yes No

6. Existing Use

Please describe the current use of the site

Livery (sui generis)

Is the site currently vacant?

Yes No

If Yes, please describe the last use of the site

Livery (sui generis)

When did this use end
(if known)?
DD/MM/YYYY

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated

Yes No

Land where contamination is suspected for all or part of the site

Yes No

A proposed use that would be particularly vulnerable to the presence of contamination

Yes No

7. Materials

Does the proposed development require any materials to be used externally?

Yes No

Please provide a description of existing and proposed materials and finishes to be used externally (including type, colour and name for each material):

| | |
|--|--|
| Walls | |
| Description of existing materials and finishes (optional): | n/a |
| Description of proposed materials and finishes: | Please see list of plans in Planning Statement |

| | |
|--|--|
| Roof | |
| Description of existing materials and finishes (optional): | n/a |
| Description of proposed materials and finishes: | Please see list of plans in Planning Statement |

| | |
|--|--|
| Windows | |
| Description of existing materials and finishes (optional): | n/a |
| Description of proposed materials and finishes: | Please see list of plans in Planning Statement |

| | |
|--|--|
| Doors | |
| Description of existing materials and finishes (optional): | n/a |
| Description of proposed materials and finishes: | Please see list of plans in Planning Statement |

| | |
|--|-----|
| Boundary treatments (e.g. fences, walls) | |
| Description of existing materials and finishes (optional): | n/a |

7. Materials

Description of proposed materials and finishes:

Please see list of plans in Planning Statement

Are you supplying additional information on submitted plans, drawings or a design and access statement?

Yes No

If Yes, please state references for the plans, drawings and/or design and access statement

Please see list of plans in Planning Statement

8. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway?

Yes No

Is a new or altered pedestrian access proposed to or from the public highway?

Yes No

Are there any new public roads to be provided within the site?

Yes No

Are there any new public rights of way to be provided within or adjacent to the site?

Yes No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

Yes No

9. Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

Yes No

Please provide information on the existing and proposed number of on-site parking spaces

| Type of vehicle | Existing number of spaces | Total proposed (including spaces retained) | Difference in spaces |
|--|---------------------------|--|----------------------|
| Cars | 0 | 7 | 7 |
| Light goods vehicles / public carrier vehicles | 0 | 7 | 7 |

10. Trees and Hedges

Are there trees or hedges on the proposed development site?

Yes No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

Yes No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of your local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

11. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's Flood map for planning. You should also refer to national standing advice and your local planning authority requirements for information as necessary.)

Yes No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

Yes No

Will the proposal increase the flood risk elsewhere?

Yes No

How will surface water be disposed of?

Sustainable drainage system

11. Assessment of Flood Risk

- Existing water course
- Soakaway
- Main sewer
- Pond/lake

12. Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

b) Designated sites, important habitats or other biodiversity features:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

c) Features of geological conservation importance:

- Yes, on the development site
- Yes, on land adjacent to or near the proposed development
- No

13. Foul Sewage

Please state how foul sewage is to be disposed of:

- Mains Sewer
- Septic Tank
- Package Treatment plant
- Cess Pit
- Other
- Unknown

Are you proposing to connect to the existing drainage system?

- Yes No Unknown

14. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

- Yes No

Have arrangements been made for the separate storage and collection of recyclable waste?

- Yes No

15. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

- Yes No

16. Residential/Dwelling Units

Please note: This question has been updated to include the latest information requirements specified by government. Applications created before 23 May 2020 will not have been updated, please read the 'Help' to see details of how to workaround this issue.

Does your proposal include the gain, loss or change of use of residential units?

- Yes No

17. All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?
Note that 'non-residential' in this context covers all uses except Use Class C3 Dwellinghouses.

Yes No

Please add details of the Use Classes and floorspace.

Following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. Multiple 'Other' options can be added to cover each individual use. View further information on Use Classes.

| Use Class | Existing gross internal floorspace (square metres) | Gross internal floorspace to be lost by change of use or demolition (square metres) | Total gross new internal floorspace proposed (including changes of use) (square metres) | Net additional gross internal floorspace following development (square metres) |
|-----------------|--|---|---|--|
| Other Day Rooms | 0 | 0 | 224 | 224 |
| Total | 0 | 0 | 224 | 224 |

Loss or gain of rooms

For hotels, residential institutions and hostels please additionally indicate the loss or gain of rooms:

18. Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees?

Yes No

19. Hours of Opening

Are Hours of Opening relevant to this proposal?

Yes No

20. Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes?

Yes No

Is the proposal for a waste management development?

Yes No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make it clear what information it requires on its website

21. Hazardous Substances

Does the proposal involve the use or storage of any hazardous substances?

Yes No

22. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

23. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

24. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

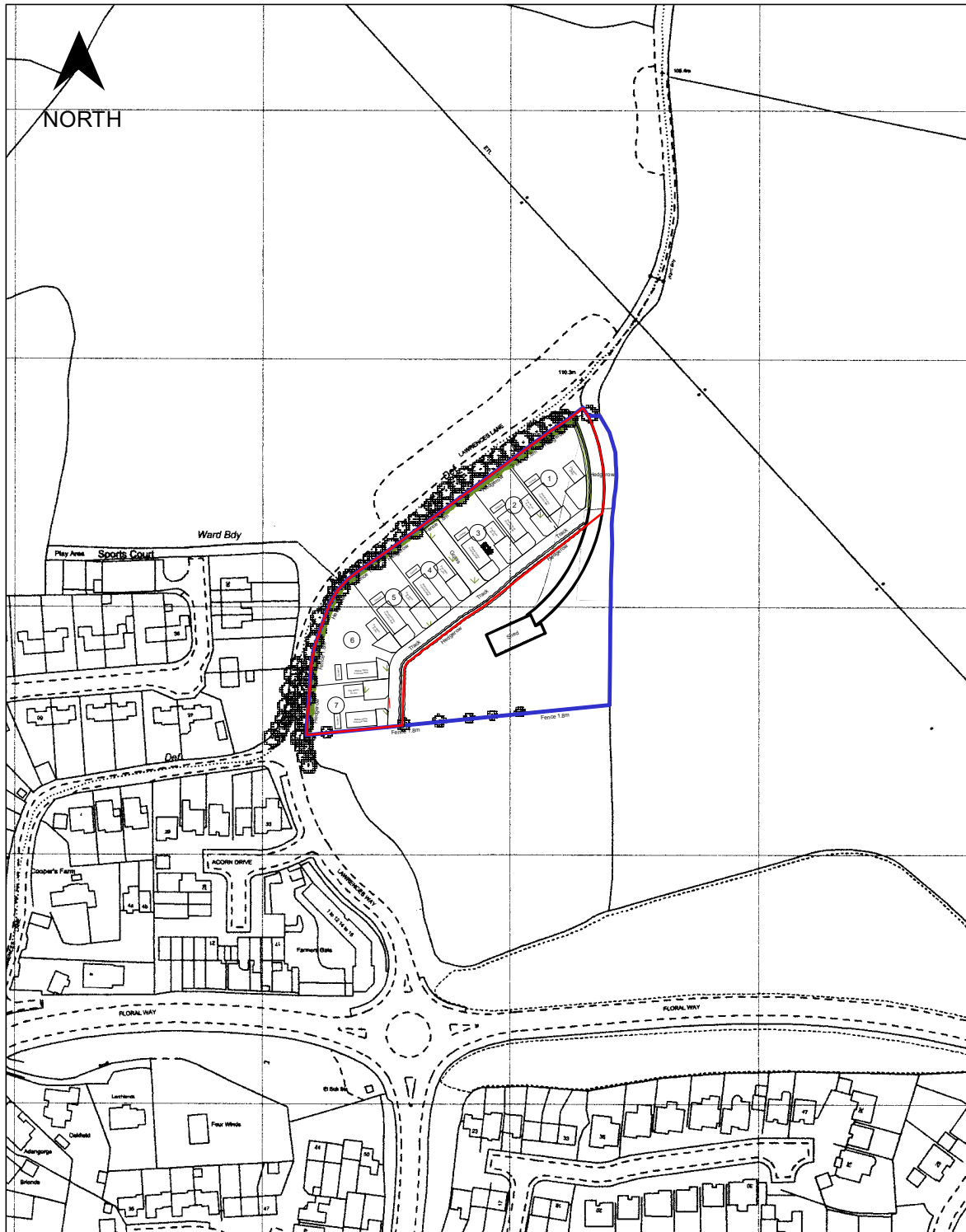
- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

Yes No

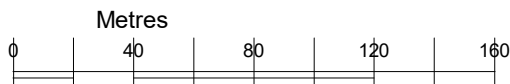
For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?




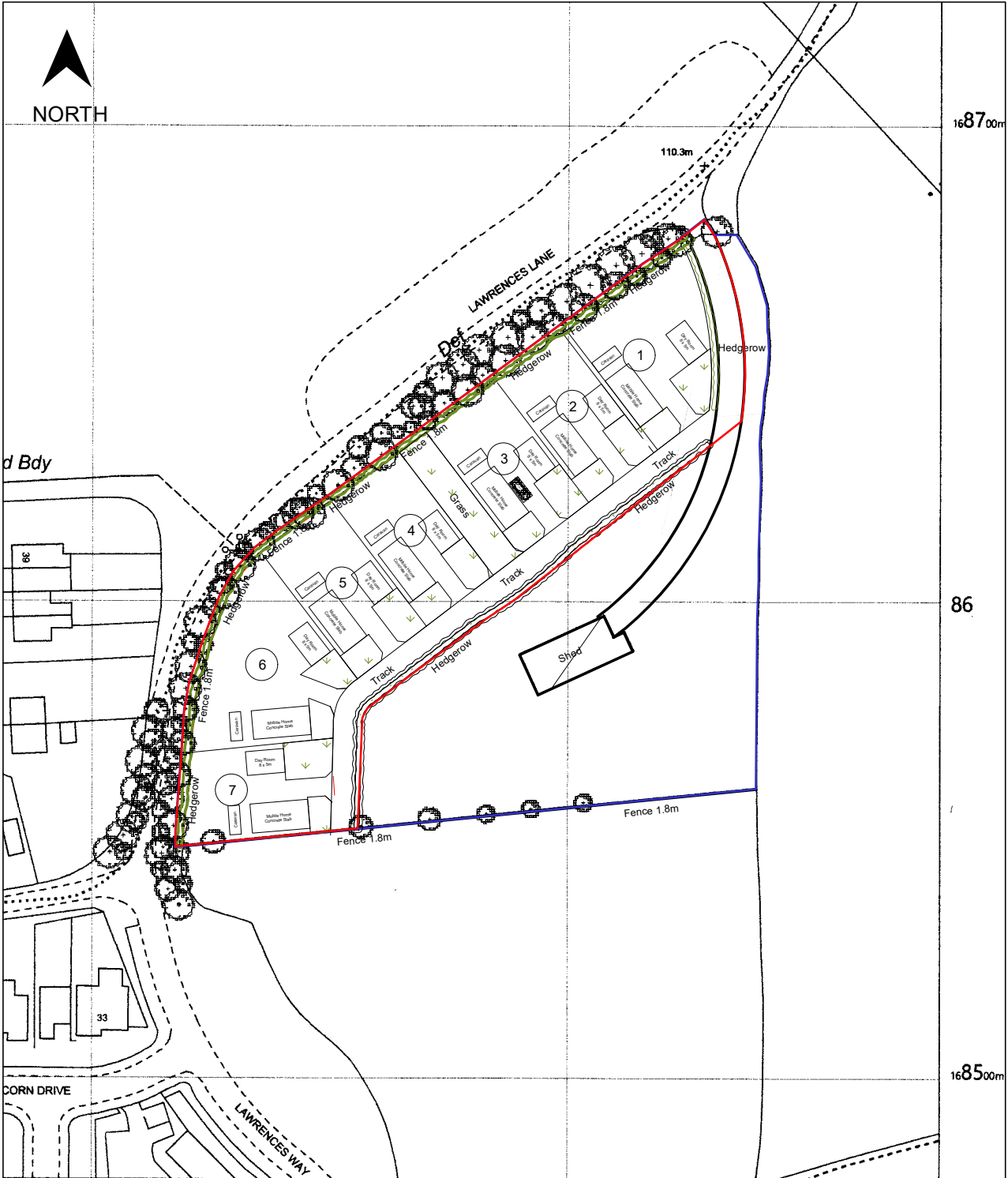
SITE PLAN SCALE 1:2500

Licence number 100019980
Grid 451791 E 168597 N



SCALE 1:2500


| | | | |
|--|---|---------------------------------|-------------------|
|  FS CONSULTANCY 12 Darcey Close, Grange Park Swindon, Wiltshire SN5 6DZ TEL. 01793 420244 | CLIENT Miss Chantelle Gumble. | | |
| | TITLE Proposed Caravan Park Site Plan Lawrences Lane Thatcham, Berkshire, RG18 3LF | | |
| SIZE A4 | CAGE CODE | DWG NO 001 09/08/2021 | REV 1:1 |
| SCALE 1:1250/1:500/1:100/ 1:50 | | SHEET 1:1 | |



SITE PLAN SCALE 1:1250

Licence number 100019980
Grid 451791 E 168597 N

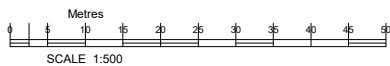


| | | |
|--|---|---------------------------------|
|  FS CONSULTANCY 12 Darcey Close, Grange Park Swindon, Wiltshire SN5 6DZ TEL. 01793 420244 | CLIENT Miss Chantelle Gumble. | |
| | TITLE Proposed Caravan Park Block Plan Lawrence's Lane Thatcham, Berkshire, RG18 3LF | |
| SIZE A4 | CAGE CODE | DWG NO 001 09/08/2021 |
| SCALE 1:1250/1:500/1:100/1:50 | | REV 1:1 |
| SHEET 1:1 | | |



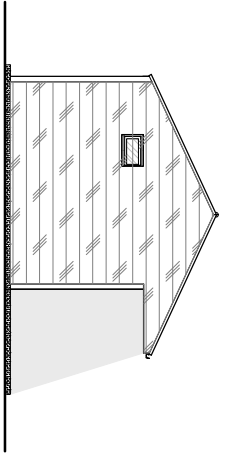
BLOCK PLAN SCALE 1:500

Licence number 100019980
Grid 418734 E 183667 N

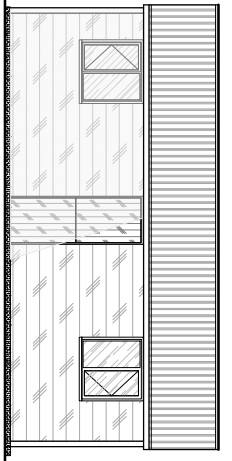
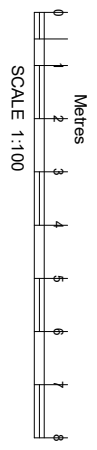


FSC
FS CONSULTANCY
12 Darcey Close,
Grange Park Swindon,
Wiltshire SN5 6DZ
TEL. 01793 420244

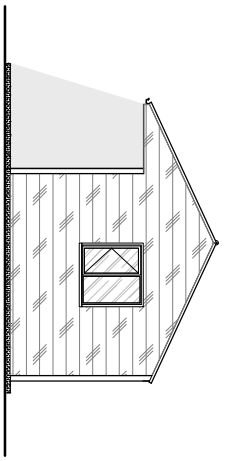
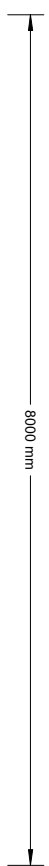
| | | | |
|---------------------------|-----------|---|-----|
| CLIENT | | Miss Chantelle Gumble. | |
| TITLE | | Proposed Caravan Park Site Block Plan Lawrences Lane Thatcham, Berkshire, RG18 3LF | |
| SIZE | CAGE CODE | DWG NO | REV |
| A2 | | 001 09/08/2021 | 1:1 |
| SCALE | | SHEET | |
| 1:1250(1:500)/1:100(1:50) | | 1:1 | |



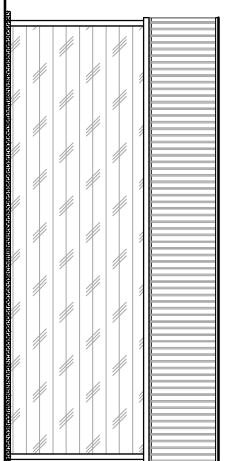
Proposed Side Elevation



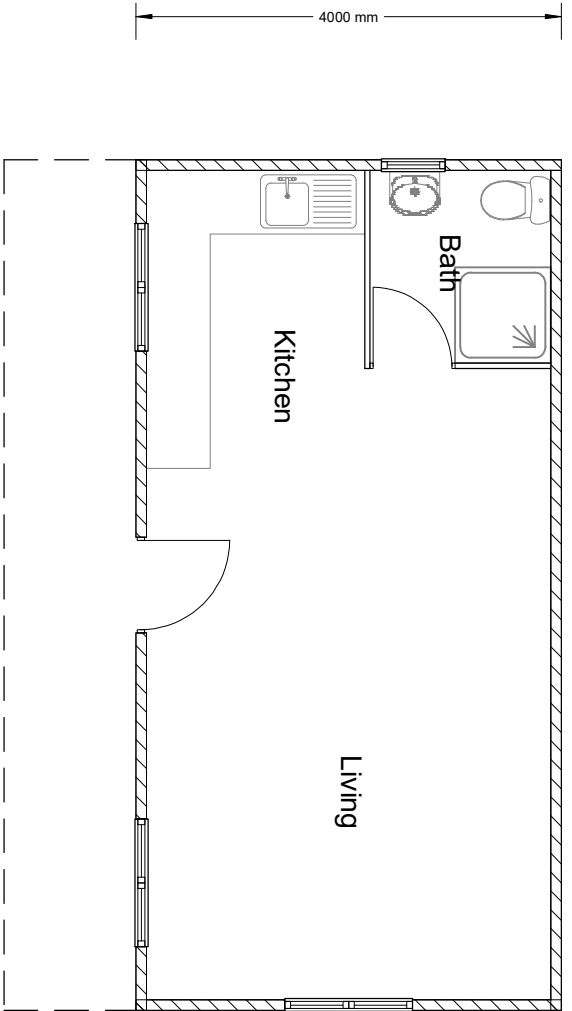
Proposed Front Elevation



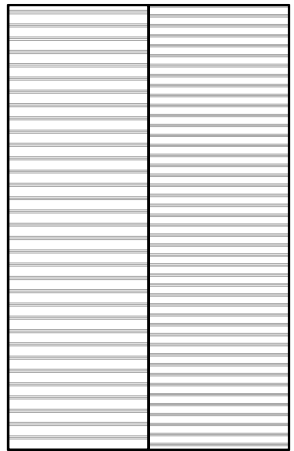
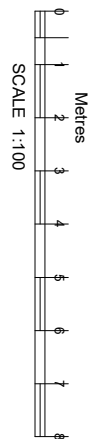
Proposed Side Elevation



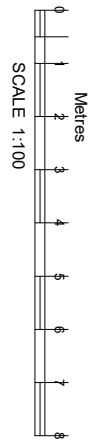
Proposed Rear Elevation



Day Room 800m x 400m
Proposed Floor Plan



Proposed Roof Plan



| | | | |
|--|------------|---|---------------------|
| FS CONSULTANCY 12 Darcey Close, Grange Park Swindon, Wiltshire SN5 6DZ TEL. 01793 420244 | | CLIENT Miss Chantelle Gumble. | |
| TITLE Proposed Day Room 800 x 400m For Caravan Park Site Lawrences Lane Thatcham, Berkshire, RG18 3LF | | DWS NO 001 09/08/2021 | |
| SIZE A3 | GAUGE CODE | REV 1:1 | SHEET 1:1 |
| SCALE 1:1250/1:500/1:100/1:50 | | | |

Friday, 13 August 21
Our Ref: JC21

Development and Planning Service
West Berkshire Council
Market Street
Newbury
RG14 5LD

**Application for the change of use to 7 no. Gypsy/Traveller pitches comprising 7 no. static caravans, 7 no. day rooms, 7 no. touring caravans, and associated works at land on the south-west side of Lawrences Lane, RG18 9HS
x: 451784 y: 168621**

Introduction

1. Please find enclosed an application on behalf of Miss C. Gumble. The purpose of this planning statement is to provide a description and justification for the application.
2. This application comprises:
 - PA01: Application Form and ownership certificates
 - PA02: Planning Statement (this document)
 - PA03: Site Location Plan (1:2500@A4)
 - PA04: Block Plan (1:500@A2)
 - PA05: Block Plan (1:1250@A4)
 - PA06: Day Room Elevations (1:100@A3)
 - PA07: CIL Form 1: Additional Information
 - PA08: CIL Self-Build Form – Part 1

Site Description

3. The application site comprises 0.6 hectare section of a 1.1 hectare parcel of land. The site is bound by mature hedgerows adjacent Lawrences Lane. An existing access is at the north-east of the site.

4. The site falls within Flood Zone 1, and is in the open countryside for planning purposes; no other relevant designations have been identified.

Planning History

5. The site's relevant planning history is as follows:
 - 06/00362/FUL *To convert existing building into commercial stables, build new pole barn type hay store and for the change of use from agricultural land to equestrian use.* Refused 19/04/2006
 - 06/01988/FUL *Change of use from agricultural to commercial equestrian.* Withdrawn 15/11/2006
 - 06/02920/FUL *Change of use from agricultural to self service livery. Convert existing building into stable block.* Approved 08/04/2007
 - 17/03522/FULMAJ *Redevelopment involving 'change of use' from self service livery stable (sui generis) to a single dwelling (C3) together with associated works.* Refused 22/03/2018.
 - Appeal APP/W0340/W/18/3207500 against refusal of 17/03522/FULMAJ dismissed 10/01/2019
 - 21/00232/FULMAJ *Conversion involving 'change of use' from self service livery stable (sui generis) to form live/work unit (C3) with ancillary Office and associated works.* Refused 24/05/2021

The application proposal

Gypsy/Traveller pitches

6. The proposal is for 7 no. Gypsy/Traveller pitches to be occupied by Gypsies and Travellers who fulfil the definition of Gypsies and Travellers in *Annex one of Planning Policy for Traveller Sites (PPTS 2015)*.
7. Each pitch comprises 1 no. static caravan, 1 no. touring caravan, 1 no. day room, and hardstanding.
8. The site layout is shown on the Block Plan - see list of plans on page 1 of this statement.

9. Elevations of the Day Rooms are included – see list of plans.
10. Please note that elevations and Floorplans for the caravans have not been included as part of the application. The standard condition is that the caravans must meet the legal definition as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. Given that caravans are by their nature interchangeable structures, it is inappropriate to condition details of size or appearance in a more restrictive manner, except in exceptional circumstances such as significant flood risk. The site is in flood zone 1 and there are no other exceptional circumstances, therefore such a requirement is not justified in this instance.

Access

11. The proposals will utilise the existing access at the north of the site.

Landscaping

12. The site is already well screened by the existing mature hedgerows, however additional planting is proposed in order to enhance the site and improve biodiversity.

Primary considerations

13. The starting point for the legislative and policy framework from which this application should be viewed by is section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. These propositions of law are reiterated by the National Planning Policy Framework (NPPF 2019) at paragraph 2, and Planning Policy for Traveller Sites (PPTS 2015) at paragraph 22.
14. Extant policy includes the *West Berkshire Core Strategy Development Plan Document (2006 - 2026)*, adopted July 2012. Policy CS7 sets out a list of criteria against which to assess new applications for Gypsy and Traveller sites.

THE MAIN ISSUES

Introduction

15. In the following sections we discuss what we consider to be the main issues in relation to the proposal, which are as follows:
 - Accordance with the development plan
 - Approach to sustainability taken by the planning framework
16. In our view the proposed development is in accordance with the development plan and should be granted approval accordingly.
17. If the decision-maker were to disagree with us on this point, we would suggest that there are material considerations that weigh in favour of the proposals:
 - The unmet need for pitches in West Berkshire
 - The lack of a 5-year supply of sites
18. Finally, the planning balance of the proposals will be discussed.

Accordance with the development plan

19. Policy CS7 *Gypsies, Travellers and Travelling Showpeople* of the West Berkshire Core Strategy (2012) sets out criteria against which to assess proposals for new Gypsy and Traveller sites. These criteria are set out below (in italics), and annotated where relevant:

In allocating sites, and for the purpose of considering planning applications relating to sites not identified in the relevant DPD, the following criteria will need to be satisfied for sites outside settlement boundaries:

- *Safe and easy access to major roads and public transport services;*
20. The application provides safe and easy access via Lawrences Lane to the public highway network. A bus stop is within 0.4 miles (7 mins walk) from the site. In addition many services and facilities are accessible on foot from the site.
 - *Easy access to local services including a bus route, shops, schools and health services;*

21. Distances to services and facilities from the site entrance are as follows:
- St Finians Catholic Primary School 0.9 miles
 - Kennet Secondary School 1.6 miles
 - Thatcham Health Centre 1.1 miles
 - Mydentist (Thatcham) 1.4 miles
 - West Berkshire Community Hospital 2.4 miles
 - Cold Ash Post Office 1.2 miles
 - Co-op 0.9 miles
 - Bus stop is within 0.4 miles (7 mins walk)
- *Located outside areas of high flooding risk;*
22. The site is within Flood Zone 1, and therefore is at low risk of flooding.
- *Provision for adequate on site facilities for parking, storage, play and residential amenity;*
23. The site design allows for adequate provision of on-site facilities.
- *The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;*
24. There is no reason to believe that the proposals are not consistent with this criterion.
- *Opportunities for an element of authorised mixed uses;*
25. No mixed use is proposed in this case.
- *The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;*
26. There is no reason to believe that the proposals are not consistent with this criterion.

- *Will not materially harm the physical and visual character of the area;*
27. In addition to the existing hedgerow along the northern boundary of the site, the proposals include a scheme of planting along the southern boundary.
- *Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.*
28. Not applicable.
29. In summary, in our view the proposals are consistent with the criteria as set out in Policy CS7.

Approach to sustainability taken by the planning framework

30. The NPPF and PPTS both take an approach to sustainability that encompasses broader economic and social considerations. The holistic view of sustainability in para. 13 of PPTS, for instance, is intended to provide a basis from which local plan policies are devised. The policy has a number of different considerations, as set out below where we set out the criteria (in italics), annotated with regards to the application site:

13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

a) promote peaceful and integrated co-existence between the site and the local community

There is no reason as to why the site should not enjoy a peaceful co-existence with the local community.

b) promote, in collaboration with commissioners of health services, access to appropriate health services

The site would offer good access to health services and facilities as set out above.

c) ensure that children can attend school on a regular basis

The site would offer good access to education services and facilities as set out above.

- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment.*

The site ensures that the occupants are not living on unauthorised encampments.

- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*

There are no anticipated significant effects on local environmental quality.

- f) avoid placing undue pressure on local infrastructure and services*

As the proposal is for a 7 pitch site it is not anticipated that there will be any significant undue pressures being placed on local infrastructure and services.

- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*

The area of the site that is being developed is subject to low flood risk (FZ1).

- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

n/a

31. In summary, in our view the site fulfills the sustainability criteria set out in PPTS.

Material considerations

The unmet need for pitches

32. The most recent assessment of need in West Berkshire is the 2015 West Berkshire GTAA which identified an unmet need of 17 pitches between 2014-2029 broken down as follows:

Figure 8
Additional pitch provision in West Berkshire in 5 Year Periods (Financial Year 01/04-31/03)

| | 2014-2019 | 2019-2024 | 2024-2029 | Total |
|----------------|-----------|-----------|-----------|-------|
| West Berkshire | 4 | 6 | 7 | 17 |

33. We would note that the assessment is out of date, and may therefore give an underestimate of need.
34. There was a suggestion in the Officers Report for a single Gypsy pitch application 19/01218/FUL that a revised GTAA would be published by the summer of that year (2019); however at present no update has been published on the council’s website¹.

5 year supply of sites

35. PPTS (2015) requires that local authorities “*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of sites against their locally set targets*” (para. 10.a). Footnote 4 of PPTS defines ‘deliverable’ for the purposes of para. 25:

To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable.

36. The 2017 Housing Site Allocations Development Plan Document includes the conversion of 8 pitches at the privately-run *New Stocks Farm* from Transit to Permanent Pitches. No planning applications have been forthcoming since the site’s allocation.
37. The *2020 Annual Monitoring Report – Housing* indicates that permission for 2 pitches since the 2015 GTAA (p. 31).
38. As set out above the most-up-to-date identified need for West Berkshire is for 10 pitches between 2014-2024 (and 17 pitches between 2014-2029). Whilst 2 pitches have been granted permission since the figures were published, it is not clear that the allocated 8 permanent pitches at *New Stocks Farm* are deliverable

¹ <https://info.westberks.gov.uk/gypsiesandtravellers>, last accessed 12th August 2021

39. We would invite the LPA to confirm their position regarding the 5-year supply of Gypsy/Traveller sites.
40. If the LPA identify that they are unable to demonstrate a 5-year supply of sites then this is a material consideration that weighs in favour of the proposals.

The planning balance

41. As stated above, in our view the proposal is compliant with the development plan.
42. If however the decision maker is against us on this then we would suggest that the material considerations identified above would allow the planning balance to outweigh any identified harm, and that planning permission should be granted accordingly.

Conclusions

43. In our view the application fulfils the requirements of the development plan, and is compliant with national policy.
44. Given the need for Gypsy and Traveller sites in West Berkshire, regionally, and nationally, this application represents an opportunity for the LPA to help meet this pressing need without expense to anyone other than the applicant.

Yours faithfully,

Dr Simon Ruston MRTPI

06/02920/FUL

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00792020
06792020

SITE PLAN SCALE 1:100
FOR LAND AT LAWRENCES LANE
THATCHAM FOR R.N. LIVESY.

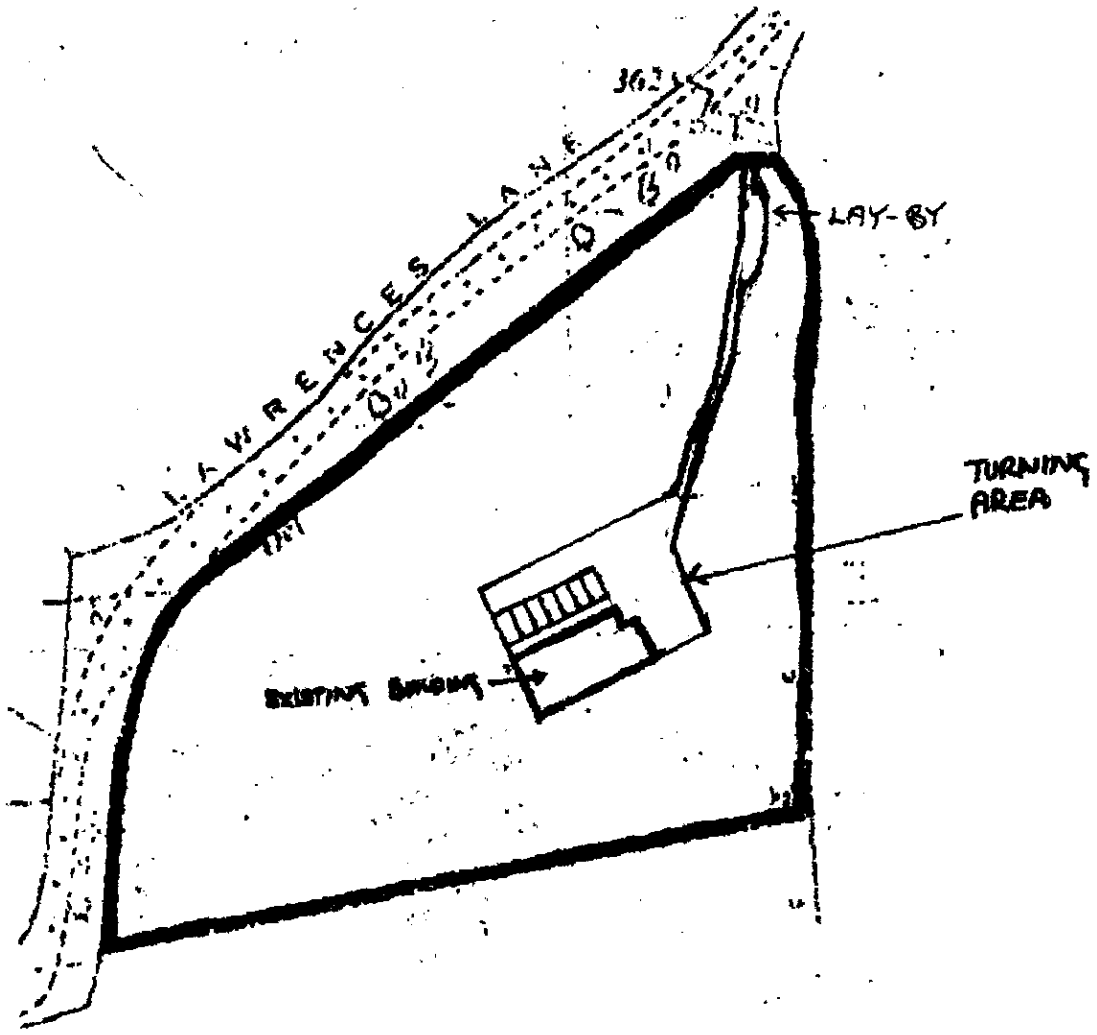
MENDEL

PROPOSED PLAN OF CAR PARKING

WEST BERKSHIRE DISTRICT
COUNCIL

15 FEB 2007

PLANNING AND TRANSPORT
STRATEGY

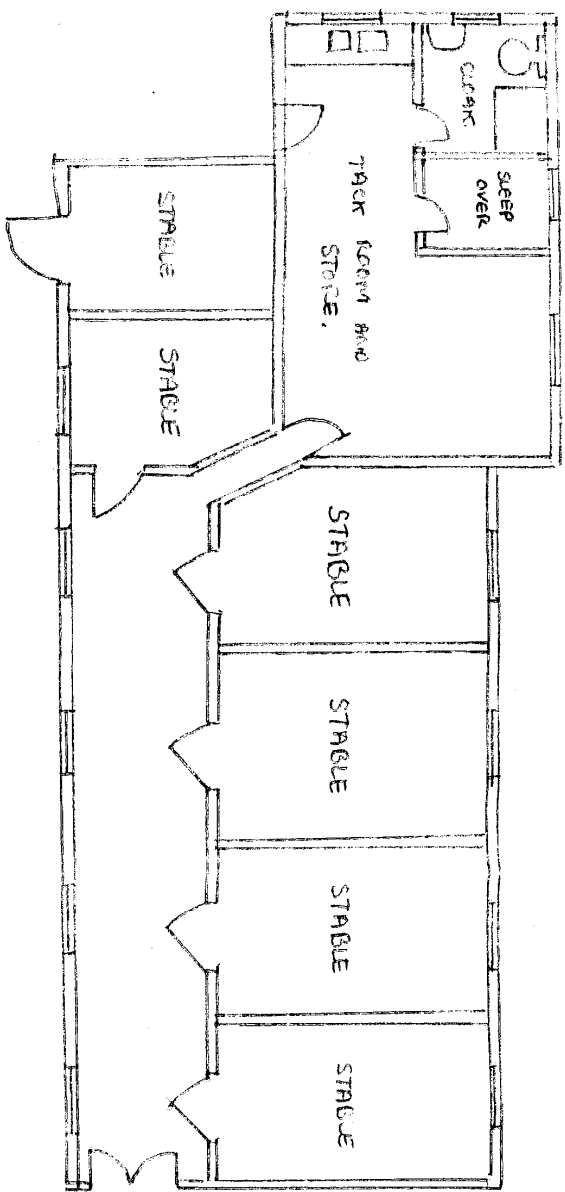


7 PARKING SPACES 4.8m x 2.4m
TURNING AREA 24m x 12m APPROX

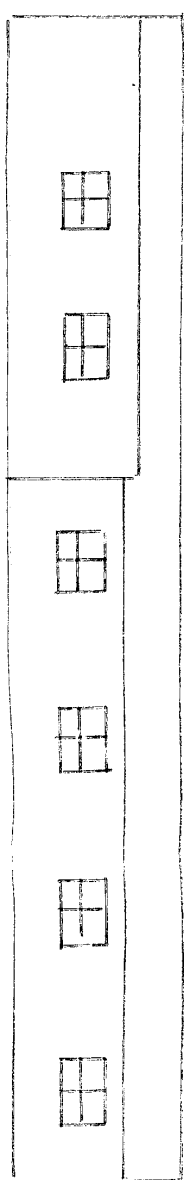
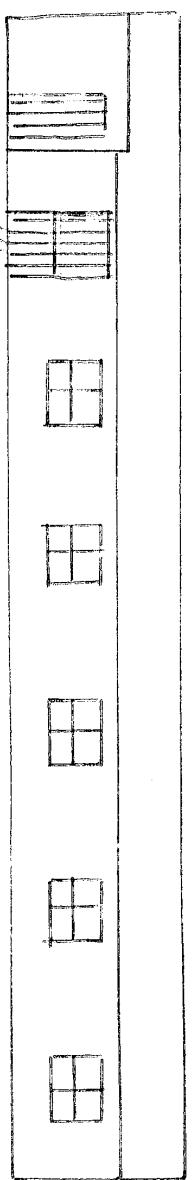
CONVERT EXISTING BUILDINGS INTO STABLE BUILDING AT LA 06/029210

FOR MR R LIVESY, WESTWAY ALLINGTON PARK

BUILDING DTB SDD



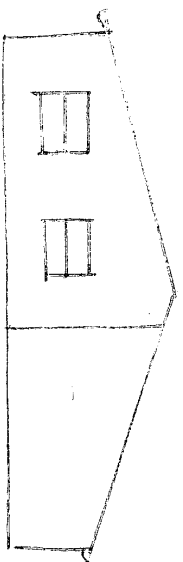
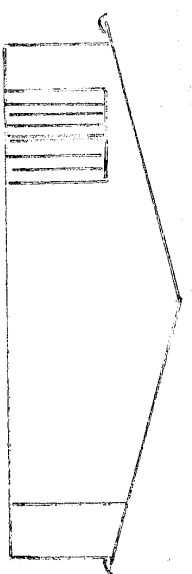
CONVERTED TIN ROOF
WOOD AND WALLS



SCALE: 1:100

MAKE NEW WINDOW OPENINGS AND RE-POSITION EXISTING DOOR.
BUILD INTERNAL NEW CORRIDOR AND W.C., SHOWER & BATH. CONNECT TO NEW SERVICES.
ALL SURFACE WATER TO NEW GUTTERWAY.
BUILD INTERNAL SLEEP-OVER ROOM FOR WHEN HUSBAND AND SICK OR NEW BIRTH ETC

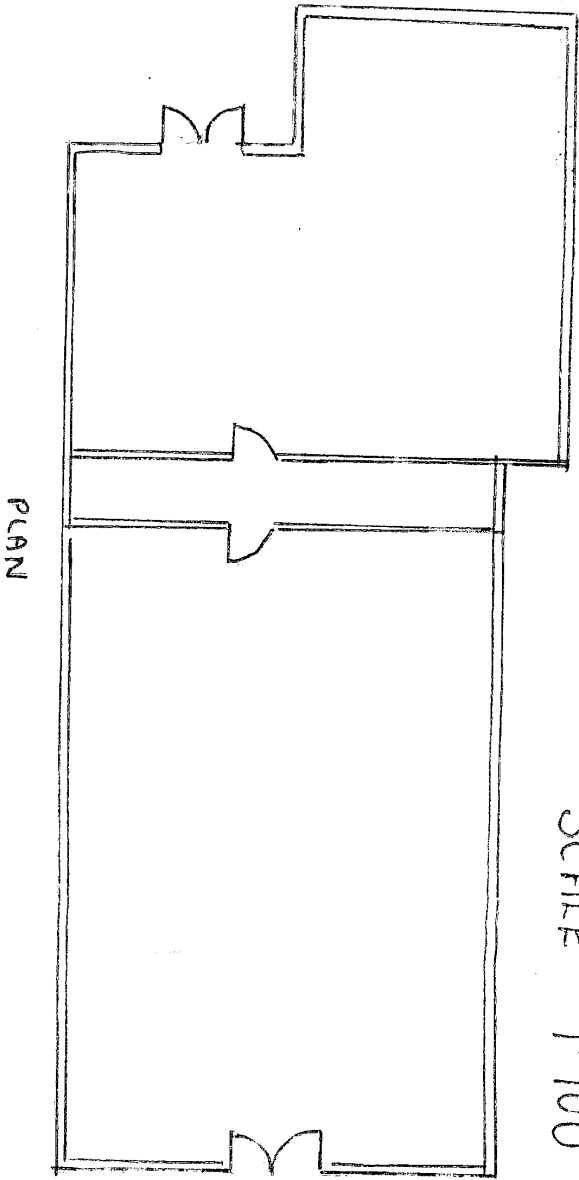
WEST BERKSHIRE DISTRICT COUNCIL
22 DEC 2006
PLANNING AND TRANSPORT STRATEGY



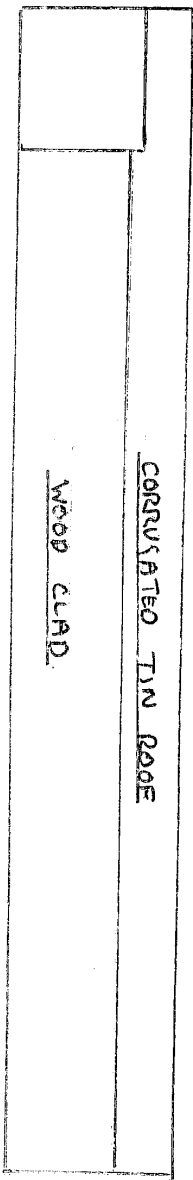
SCALE 1-100

EXISTING

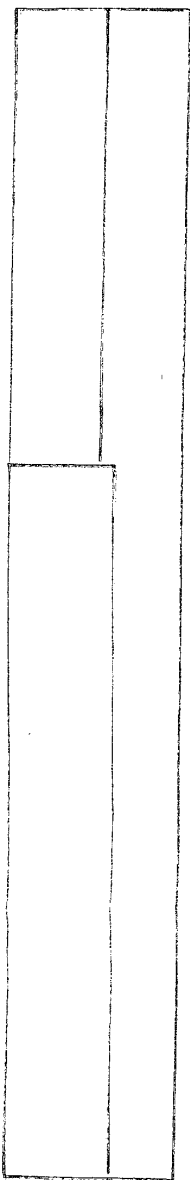
06/02920



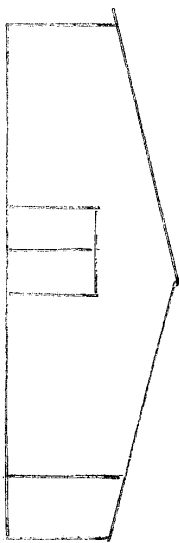
PLAN



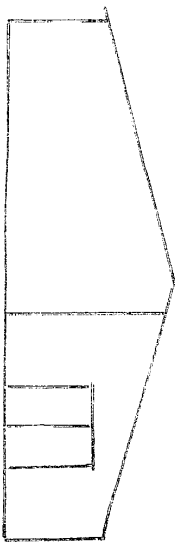
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

WEST BERKSHIRE DISTRICT
COUNCIL
18/11/07
PLANNING AND TRANSPORT
STRATEGY

WEST BERKSHIRE DISTRICT
COUNCIL
22 DEC 2005
PLANNING AND TRANSPORT
STRATEGY

TOWN AND COUNTRY PLANNING ACT 1990

Roger Livesey
Westway
Arlington Park
Bridport
Dorset
DT6 5DD

Applicant:
Roger Livesey

PART I - DETAILS OF APPLICATION

Date of Application

22nd December 2006

Application No.

06/02920/FUL

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Change of use from agricultural to self service livery. Convert existing building into stable block.

Land At, Lawrences Lane, Thatcham, Berkshire

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council GRANTS 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 shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 should it not be started within a reasonable time.

2. The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided in accordance with Policy T4 of the Berkshire Structure Plan 2001-2016 and Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

3. Prior to the development being brought into use the vehicle parking and/or turning space shall be provided in accordance with the approved plan(s). 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 for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policies DP5 and T4 of the Berkshire Structure Plan 2001-2016 and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006.

4. The development hereby approved shall be carried out in accordance with the location plan and proposed elevations and floor plans, all received on 22nd December 2006, and in accordance with the amended site layout, received on 15th February 2007, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

5. Prior to the commencement of development, details of the surfacing arrangements for the vehicular access(es) to the highway shall 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(es) for a distance of 10 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety in accordance with Policy T4 of the Berkshire Structure Plan 2001-2016 and Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

6. Any gates to be provided at accesses where vehicles will enter or leave the site shall open away from the adjoining highway and be set back a distance of at least 10 metres from the edge of the highway.

Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interest of road safety in accordance with Policy T4 of the Berkshire Structure Plan 2001-2016 and Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

7. The use hereby committed shall not commence until visibility splays of 2 metres by 90 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 interest of road safety in accordance with Policies DP5 and T4 of the Berkshire Structure Plan 2001-2016 and Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

8. The commercial equestrian use of the site shall be limited to livery use only, and no other commercial equestrian activity shall take place on the site unless planning permission has been granted in respect of an application made for that purpose.

Reason: To allow the Local Planning Authority to assess whether commercial equestrian uses of the site are acceptable in terms of highway safety and the amenities of the surrounding area in accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

The decision to grant Planning Permission has been taken having regard to the policies and proposals in the West Berkshire District Local Plan 1991-2006 (WBDLP), the Berkshire Structure Plan 2001-2016 (BSP), the Waste Local Plan for Berkshire 1998-2006, 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 guidance notes; and in particular guidance notes and policies:

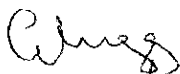
PPS7 BSPDP6 OVS2 ENV4 ENV18 ENV19 ENV29

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:

13. 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.
 14. 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.
-
- 3 The Highways (Planning) Manager, West Berkshire District Council, Highways and Engineering, Council Offices, Faraday Road, Newbury RG14 2AF, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants behalf.
 - 4 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
 - 5 The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

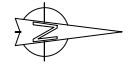
Decision Date :- 8th March 2007



Gary Lugg

Head of Planning

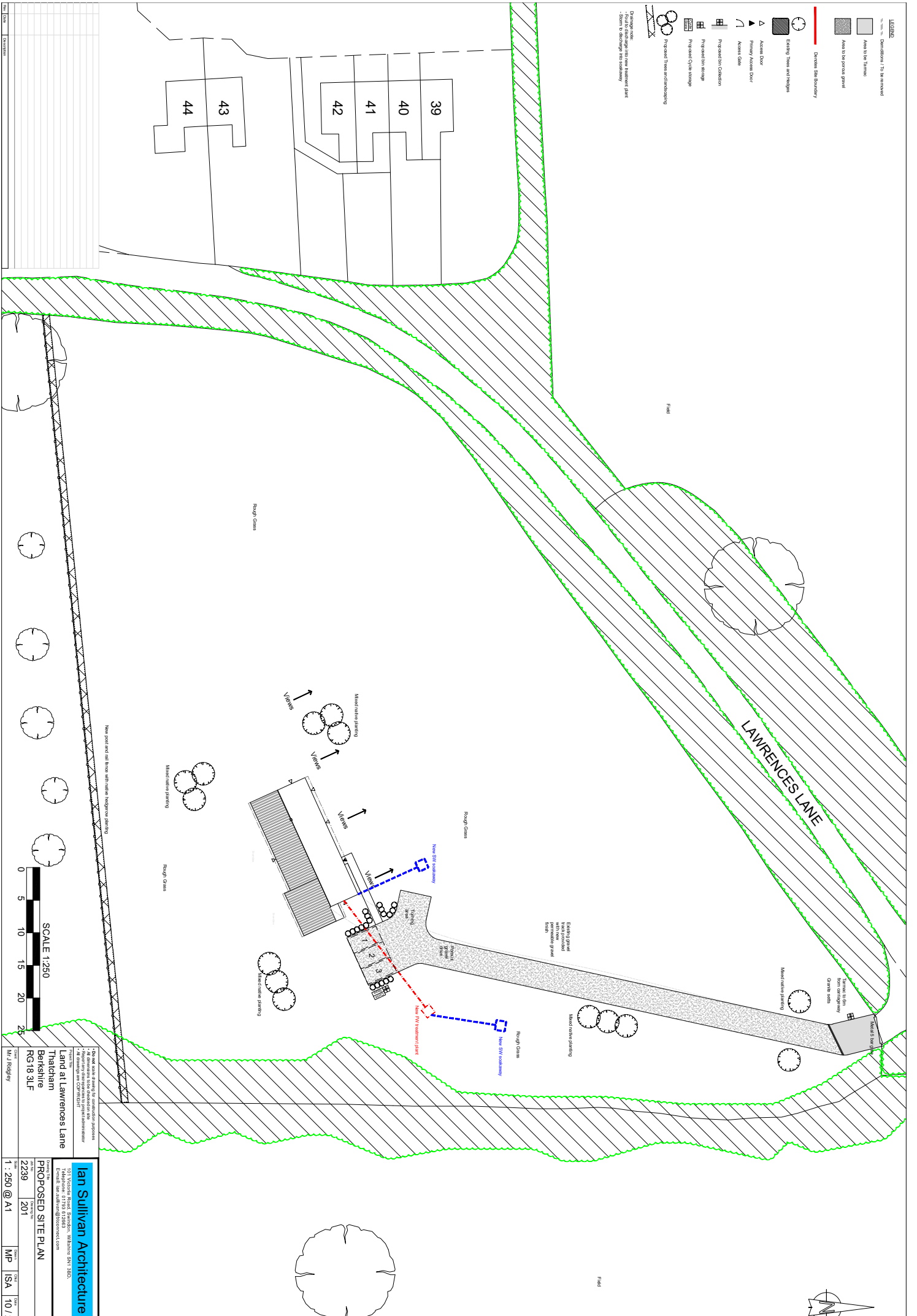
17/03522/FULMAJ



LEGEND

- Obstructions to be removed
- Areas to be trimmed
- ▨ Area to be graded
- ▭ Drive-off Site Boundary
- ◌ Existing Trees and Hedgges
- △ Access Door
- ▴ Primary Access Door
- ◡ Access Gate
- ▭ Prepared for Collection
- ▭ Prepared for storage
- ▭ Prepared Cycle Storage
- ▭ Prepared Three store outbuilding

Change to:
 - Road side drainage from new retaining stack
 - Road side drainage to boundary

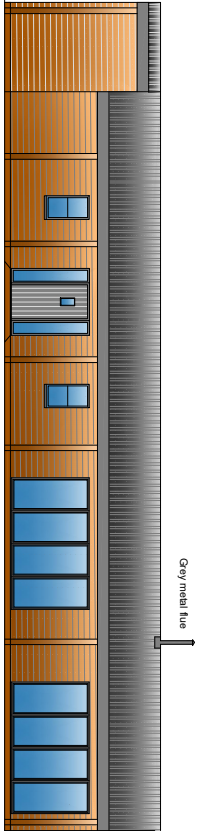


Ian Sullivan Architecture Ltd
 101 Victoria Road, Sturton, Wiltshire SN1 3BE.
 Email: ian.sullivan@iansullivan.co.uk

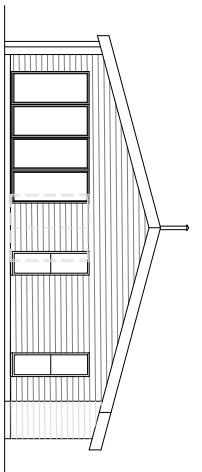
PROPOSED SITE PLAN

Drawn by: J. Rodgers
 Checked by: J. Rodgers
 Date of revision: 30/06/2017
 Date of issue: 30/06/2017
 Project name: PROPOSED SITE PLAN
 Site name: Thatcham Berkshire RG18 3LF
 Scale: 1:250 @ A1
 Client: Ian Sullivan Architecture Ltd

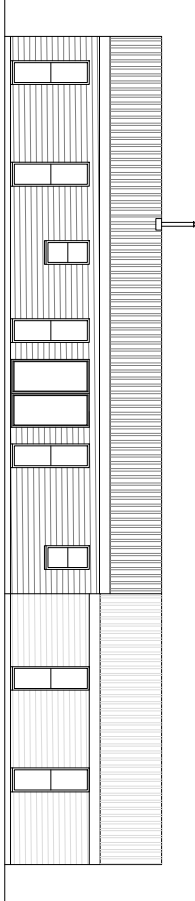
Corrugated metal roof replaced with standing seam roof
 Fascia's and windows to be grey painted timber
 Aluminium rainwater goods replaced with horizontal larch boarding



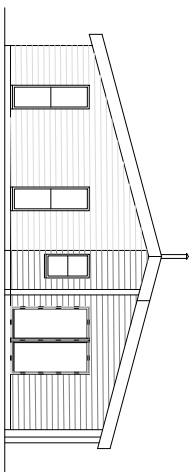
North Elevation



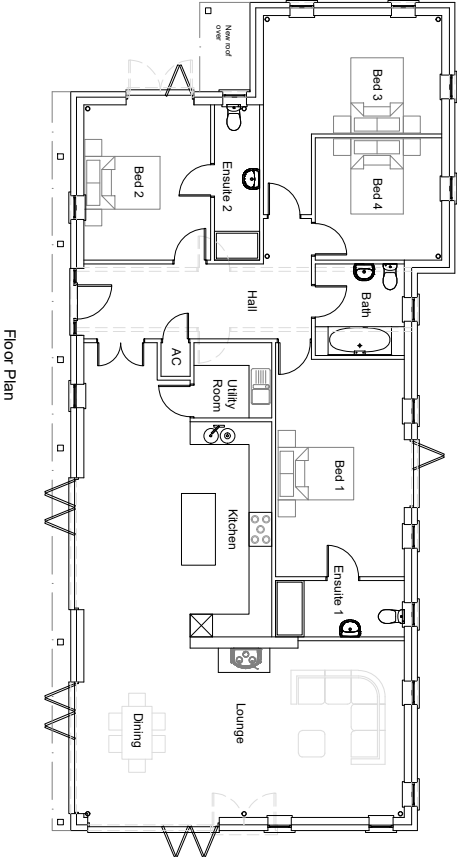
West Elevation



South Elevation



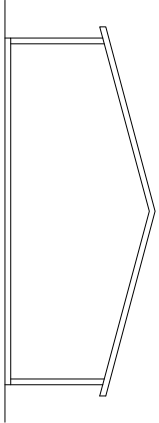
East Elevation



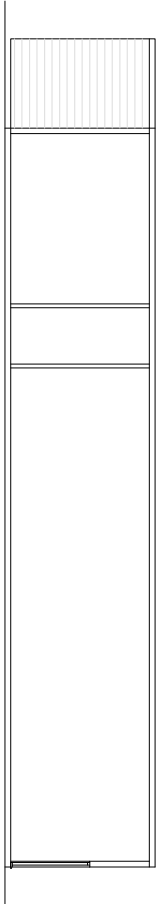
Floor Plan



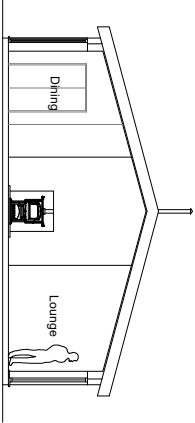
| | | | |
|-----------------------------|-------------------|-----------------------------------|-------------------|
| <p>Client: Mr J Ridgely</p> | | <p>Project: PROPOSED BUILDING</p> | |
| Scale: | 1: 100 @ A2 | Drawn: | MP |
| Client: | Mr J Ridgely | Check: | ISA |
| Project: | PROPOSED BUILDING | Date: | 10 / 2017 |
| Drawn By: | 2239 | 202 | |
| Client: | Mr J Ridgely | Project: | PROPOSED BUILDING |
| Project: | PROPOSED BUILDING | Date: | 10 / 2017 |
| Client: | Mr J Ridgely | Project: | PROPOSED BUILDING |
| Project: | PROPOSED BUILDING | Date: | 10 / 2017 |



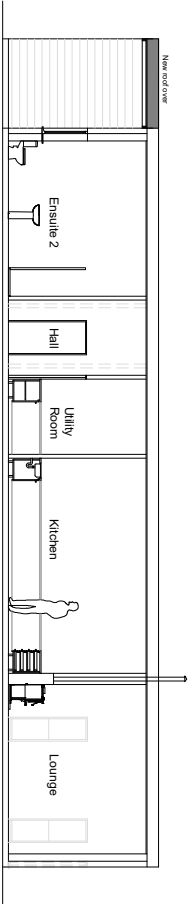
EXISTING Section AA



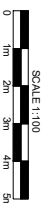
EXISTING Section BB



PROPOSED Section AA



PROPOSED Section BB



Check dates against your construction program
 All drawings are the property of Ian Sullivan Architecture Ltd
 All drawings are for the use of the client only
 All drawings are for the use of the client only
 All drawings are for the use of the client only

Ian Sullivan Architecture Ltd
 1st Floor, 100 Lawrence Lane, Warrington, Cheshire, WA1 2JF
 Tel: 01925 836200
 Fax: 01925 836201
 Email: info@sullivanarch.co.uk

| | | | |
|-----------------|--|------|-----------|
| Client | MP | ISA | 10 / 2017 |
| Scale | 1:100 | @ A2 | |
| Drawn By | 2239 | 204 | |
| Project Name | PROPOSED & EXISTING SECTIONS | | |
| Project Address | Land at Lawrence Lane Brackham Berkshire RG18 3LF | | |
| Client | Mr J Ridgely | | |

Ian Sullivan Architecture Ltd
 101 Victoria Road
 Old Town
 SWINDON
 SN1 3BD

Applicant:
 James Ridgley

PART I - DETAILS OF APPLICATION

Date of Application

21st December 2017

Application No.

17/03522/FULMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Redevelopment involving 'change of use' from self service livery stable (sui generis) to a single dwelling (C3) together with associated works.

Land at, Lawrences Lane, Thatcham, Berkshire

PART II - DECISION

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

1. The Housing Site Allocations Development Plan Document's Policy C4 provides guidance for the conversion of existing redundant buildings in the countryside to residential use. The policy indicates that the conversion of existing redundant buildings to residential use will be permitted subject to certain criteria. The Council has no Policy for the "replacement of buildings in the countryside by dwellings. The relevant Policy C4 only allows for the conversion of structurally sound buildings.

The proposed redevelopment consists of a derelict building which is not structurally sound for conversion without requiring extensive redevelopment as outlined in the structural report. The structural report assumes "that the existing roof covering, cladding will be removed and replaced with more robust materials and that this will result in applied load to the structure." The report goes further to recommend strengthening of the building's structure with a "series of internal steel frames" and that these will "prop the roof". In addition it is stated that the existing ground floor slab will be replaced as the new steel frames will require new foundations. This amounts to extensive redevelopment beyond the scope of Policy C4.

Case law appears to be consistent with West Berkshire Council's policies in terms of what constitutes a conversion and when alterations are considered substantial, with emphasis being placed on retaining the original character and appearance of the buildings subject to conversion.

The comprehensive internal and external alterations of the building proposed, will amount to an extensive and unacceptable level of alterations and rebuilding of the existing stable block which runs contrary to the criteria Policies C1;C3 and C4 of the Housing Site Allocations Development Plan Document (HSA DPD).

2. The stable block is unattractive, of poor construction and in an advanced state of disrepair, when taking into account that the stable block would be significantly altered to include new windows, walls and structural reinforcement the resulting design would be noticeably different from the existing unobtrusive, rural building and more visually prominent on the site. The proposal is not of high quality design and would not sit well in the surrounding area or respect the local building styles and materials. The proposed development is contrary to the NPPF, Policy CS14 of the West Berkshire Core Strategy (2012) and Policy C3 of the Housing Site Allocations Development Plan Document

3. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision.

Economic dimension: It is considered that the proposal makes no significant contribution to the wider economic dimensions of sustainable development.

Environmental dimension: With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment the impact on the character and appearance of the surrounding area has been assessed as part of this application and the proposed development has been found to have an unacceptable detrimental impact on the character and appearance of the area, through extensive alterations and development which will alter the structure and appearance of the existing building.

Social dimension: The development makes no significant contribution to social aspects of sustainability.

For the above reasons it is considered that the proposed development is not sustainable development as defined within the NPPF.

If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

Decision Date :- 22nd March 2018

A handwritten signature in black ink, appearing to read 'Gary Lugg', written in a cursive style.

Gary Lugg
Head of Development and Planning



Appeal Decision

Site visit made on 4 December 2018

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2019

Appeal Ref: APP/W0340/W/18/3207500

Land at Lawrences Lane, Thatcham, Berkshire RG18 3LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Ridgley against the decision of West Berkshire Council.
 - The application Ref 17/03522/FULMAJ, dated 15 December 2017, was refused by notice dated 22 March 2018.
 - The development proposed is redevelopment, involving a change of use from self service livery stable (sui generis) to a single dwelling (C3), together with associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to any responses and the Framework in reaching my decision.

Main Issues

3. I consider the main issues in this case to be:-
 - whether the proposed change of use to a dwelling is acceptable on this site, taking into account the relevant policies of the West Berkshire Housing Site Allocations Development Plan Document 2006-2026 (adopted 2017) (HSADPD), and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether the proposal is acceptable on this site

4. Policy C1 of the HSADPD says that "*there will be a presumption against new residential development outside of the settlement boundaries*" and that exceptions to this include the conversion of redundant buildings. Both main parties agree that the dwelling is outside the settlement boundary of Thatcham and that no exception to Policy C1, other than the conversion of rural buildings, is relevant to this appeal.

5. Policy C4 of the HSADPD deals with the conversion of existing redundant buildings to residential use, saying that these will be permitted, providing that a number of criteria are complied with. One of these is that *"the proposal involves a building that is structurally sound and capable of conversion without substantial rebuilding, extension or alteration"*. The appeal proposal does not include extensions. The disagreement between the main parties on this main issue essentially comes down to whether the building is structurally sound and whether it is capable of conversion without substantial rebuilding and/or alteration.
6. The appellant commissioned a Structural Inspection Report (SIR), which was produced following a site visit in June 2017. This suggests that the existing building is probably structurally sound and that it could be converted into a dwelling, stating in this respect that *"the existing structure could remain"*, although *"strengthening would be required"*. However, the SIR also suggests that a new roof covering would be required, which would *"result in a significant increase in applied load to the structure"*, that the most likely strengthening would be *"in the form of a series of internal steel frames"*, which would *"prop the roof structure and enable removal of the existing internal posts"*. It also suggests that the new steel frame would require foundations and that it seems likely that the existing ground floor slab would need to be *"excavated and replaced with a new slab."*
7. Based on the conclusions of the SIR, which the Council does not dispute, I consider it likely that the building is structurally sound. On my site visit, I noted that the building is in need of repair, although to me it did not appear to be derelict. However, the scale of works acknowledged to be necessary in the SIR, including new internal steel frames, the removal of the existing internal posts, a new roof covering, a new ground floor slab and new foundations, seems to me to amount to a conversion that would involve substantial alterations.
8. The appellant argues that, were the proposal to benefit from permitted development rights under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2005 (as amended), then extensive alterations to a building are allowed. However, as he acknowledges, this building does not benefit from those rights. It must instead be judged against the policies in the development plan. In my view, the level of alterations required makes the proposal contrary to Policy C4 of the HSADPD. It follows that the proposal would also conflict with Policy C1 of the HSADPD and that, in this respect, the proposed change of use to a dwelling is not acceptable on this site.

Character and appearance of the area

9. The appeal site is outside, but close to, the built up area of Thatcham. The long boundary to Lawrences Lane is marked by a thick hedge of indigenous species. On my site visit, I noted that the building is difficult to see from public viewpoints outside the site and that the hedge along Lawrences Lane prevents clear views into the site, even in winter.
10. Were the proposal to go ahead, some works would need to take place to the access onto the lane, a gravel drive across the field would need to be laid and the alterations necessary to convert the existing building would result in a more obviously domestic appearance. However, in this location, close to the edge of Thatcham, I do not consider that these changes would amount to harm. I conclude that the proposal would not have an unacceptably adverse

effect on the character or appearance of the area, and would comply with Policy C3 of the HSADPD and Policy CS14 of the West Berkshire Core Strategy (2006-2026). These policies seek, amongst other things, development that is designed having regard to and which respects the character of the area.

Other Matters

11. Local residents have raised other issues in relation to the appeal proposal, notably the impact of the proposal on the highway. Lawrences Lane is a narrow lane, for much of its length being single track with very limited passing places. However, the proposed dwelling would not generate any more traffic than the lawful use of the site as a self service livery stable. It would not therefore be appropriate to resist the appeal proposal on highway safety grounds.
12. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

Conclusion

13. I appreciate that the appeal proposal would add to the District's housing supply in a location close to the facilities of a built up area, would provide economic benefits by providing work during the construction phase and additional customers for local services. The site could also be classed as previously developed land. I afford each of these benefits limited weight. I have concluded that the proposal would not have an unacceptably adverse effect on the character or appearance of the area. I also note that the Council did not object to the proposal in relation to its impact on the living conditions of neighbouring occupiers, the living conditions of future occupants, highways, green infrastructure or biodiversity. However, a lack of harm in these respects is a neutral consideration that does not weigh for or against the proposal.
14. I have found that the proposal would conflict with Policies C1 and C4 of the HSADPD. These policies were adopted prior to the publication of the Framework. However, paragraph 213 of the Framework makes it clear that existing policies should not be considered out-of-date simply for that reason. I consider that in respect of this paragraph these policies are broadly consistent with the Framework. Consequently, the conflict with these policies carries substantial weight.
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says that "*if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*". The proposal would conflict with the development plan as a whole and whilst there would be limited benefits associated with the proposal, I consider that there are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

Baljit K Muston

INSPECTOR

21/00232/FULMAJ



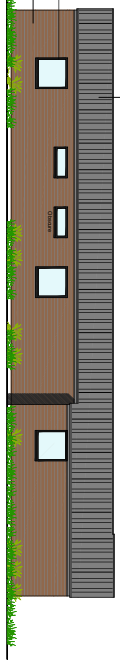
Proposed North Elevation - Front



Proposed West Elevation

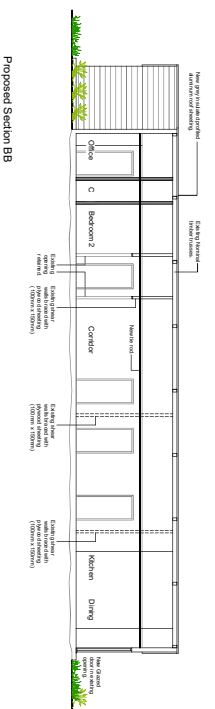
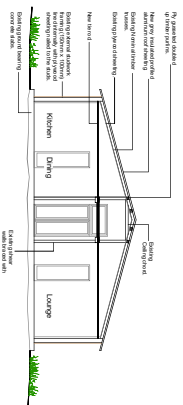
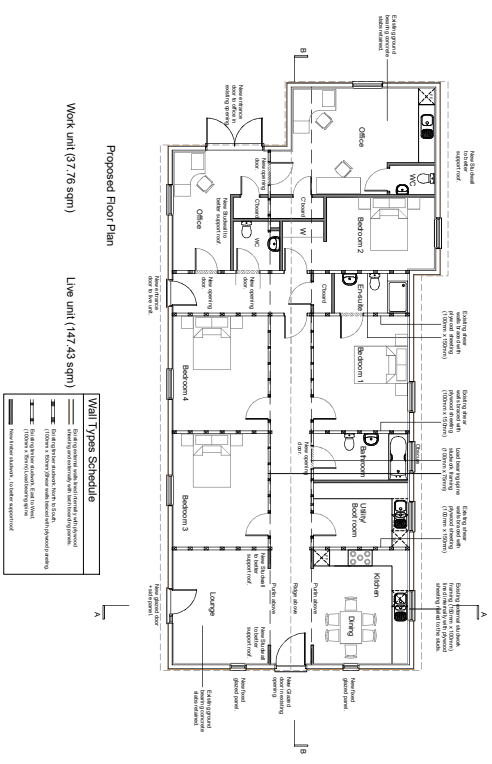


Proposed East Elevation



Proposed South Elevation - Rear

Note
Dark aluminum rainwater goods



Floor Areas (Finished):
 Work unit 37.76 m²
 Live unit 147.43 m²
 185.19m² Total



Client: Mr. J. Ridgley

Project: Proposed Elevations - Floor Plans

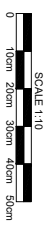
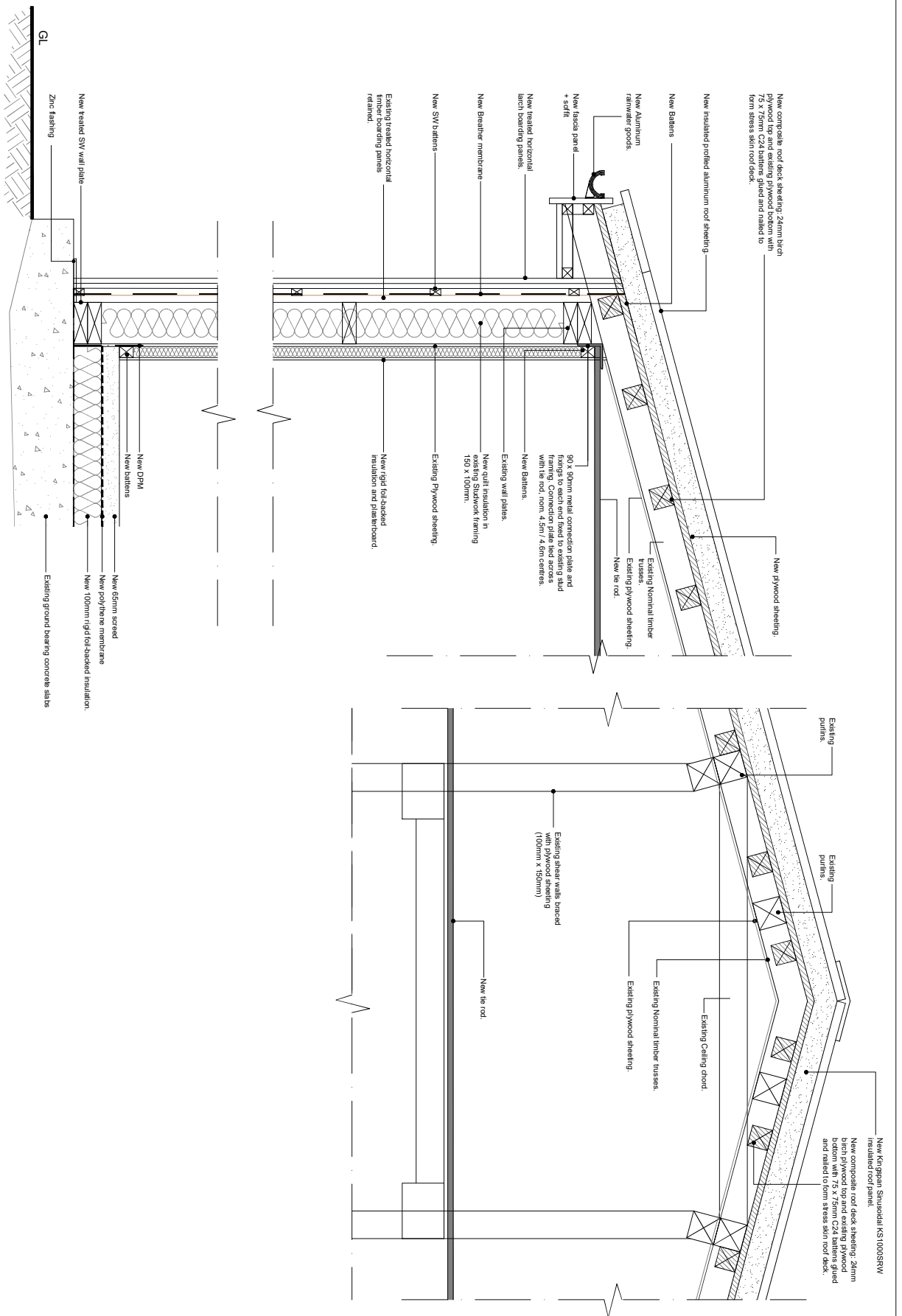
Site: Land at Lawrence's Lane, Huddersfield, West Yorkshire, RG18 3JF

Architect: Ian Sullivan Architecture Ltd
 101 Victoria Road, Shipston, Warwick, CV31 1SD
 Tel: 01793 810000 | Email: ias@sullivanarch.co.uk

Drawn by: Z239
 Checked by: 112

Scale: 1:100 @ A1

MC SA Jan 2021



Client: **Land at Lawrences Lane**
 Location: **Brickfield**
 Project: **PROPOSED ROOF WALL DETAIL / SECTION**
 Drawing No: **2239**
 Date: **1:10 @ A2**
 Designer: **Mr J Riddley**

Ian Sullivan Architecture Ltd
 101 Victoria Road, Warwick, Warwick CV34 3JF
 01926 701000 - Email: info@iansullivanarchitects.co.uk
 120
 2239
 MC ISA
 Jan 2021

Ian Sullivan Architecture Ltd
 Ian Sullivan
 101 Victoria Road, Old Town
 SWINDON
 SN1 3BD

Applicant:
 James Ridgley

PART I - DETAILS OF APPLICATION

Date of Application

1st February 2021

Application No.

21/00232/FULMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Conversion involving 'change of use' from self service livery stable (sui generis) to form live/work unit (C3) with ancillary Office and associated works.

Land at, Lawrences Lane, Thatcham,

PART II - DECISION

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

1. According to Policy C1, there is a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to some forms of development listed in the policy. One of these listed exceptions is the conversion of certain redundant buildings. Policy C4 sets out criteria for conversions that qualify as exceptions in Policy C1. The proposed development conflicts with Policy C4 for the following reasons:
 - a) The Council is not satisfied that the building can be converted without substantial alterations and therefore the development is not considered to be an appropriate building for conversion. The policy only allows for the conversion and adaption of sound permanent structures not the redevelopment of derelict buildings, which would be classed as new residential development in the countryside and assessed against Policy C1. The Make Structures Report indicates to the Council that new support structures at critical points would be needed, the previous inspector found new internal frames were needed also and constitute substantial alterations. The Make Structure Report also outlines that further investigation works need to be undertaken for example to the foundation works. There are sufficient areas that are questioned within the report and are caveated by the need for further

investigation that through doubt over whether the development can be converted as proposed.

- b) It is proposed to use a lightweight aluminium roof sheet. Residential dwellings in the nearby settlement all have roof tiled roofs. The proposed metal sheeting of a roof would not be in keeping with the character of the area.
- c) A domestic curtilage of this size is inappropriate in the countryside. The size would be inconsistent with nearby dwellings gardens and inappropriate in terms of the rural setting.

Accordingly, the presumption against new residential development in Policy C1 applies, and the development is contrary to the Council's strategy for new housing as set out in Policies ADPP1, ADPP3 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C4 of the Housing Site Allocations Development Plan Document 2006-2026.

- 2. According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Policy CS19 states that particular regard will be given to, amongst others, (a) the sensitivity of the area to change, and (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Policy C4 seeks to ensure that a conversion has no adverse impacts on / does not affect rural character, and that the creation of the residential curtilage would not be visually intrusive.

The use a lightweight aluminum roof sheet is proposed, whereas residential dwellings in the nearby settlement all have roof tiled roofs. The proposed metal sheeting of a roof would not be in keeping with the character of the area and would give the building an agricultural appearance rather than a residential appearance.

A domestic curtilage of the size proposed is inappropriate in this location and would be intrusive given its size, elevation and local topography. The size would be inconsistent with nearby dwellings gardens and inappropriate in terms of the rural setting.

The proposal is not of high quality design and would not sit well in the surrounding area or respect the local building styles and materials. The proposed development is contrary to the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C4 of the Housing Site Allocations Development Plan Document 2006-2026, and Part 2 of the Council's Quality Design SPD.

If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

- 1 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a

positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

- 2 This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

Decision Date :- 24th May 2021



Gary Lugg
Head of Development and Planning