

# 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, 7 AUGUST 2019

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

**Also Present:** Jessica Bailiss (Policy Officer (Executive Support)), Michael Butler (Principal Planning Officer), Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), Lydia Mather (Senior Planning Officer), David Pearson (Development Control Team Leader) and Shiraz Sheikh (Deputy Monitoring Officer)

**Apologies for inability to attend the meeting:** Councillor Peter Argyle and Councillor Andrew Williamson

#### PART I

#### 12. Minutes

The Minutes of the meeting held on 26 June 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

**Item 10 (2) – 18/02975/FUL – The Swan at Streatley, High Street, Streatley**

**Member Questions to the Applicant/Agent, second paragraph, first and second sentences:**

Councillor Law then queried if there would be an intensification of use of the **site by the Coppa Club** when there was no indication **of a Coppa Club in the 2016/17 applications. Thus** the number of restaurant covers would increase beyond the planning permission granted for redevelopment of The Swan in 2016.

**Member Questions to the Applicant/Agent, third paragraph, first sentence:**

Councillor Law followed this by asking if 'up to 300 covers' was an intensification of use **by the Coppa Club.**

**Ward Member Representation (first bullet point):**

He called the application in to Committee. The applicant had requested this action if the application was recommended for refusal, but Councillor Law clarified that he **had** done so regardless of the Officer recommendation.

**Ward Member Representation (final bullet point):**

At this point, Councillor Law advised that he was **tending to be** supportive of the Officer recommendation for refusal, **but still wished to hear and consider views of other Committee Members.**

**Debate – seventh paragraph, second sentence:**

The strong support did not reflect the views of many Streatley residents he had discussed this with, other than **some High Street residents**, church goers and users of the Morrell Room whose points were understood.

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### **Debate – final paragraph, first sentence:**

Councillor Law proposed to accept Officers' recommendation to refuse planning permission **and if necessary an Appeal Inspector could rule on this complex application.**

### **13. Declarations of Interest**

Councillor Royce Longton declared an interest in Agenda Item 4(2), but reported that as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

All Members had been lobbied by the applicant for Agenda Item 4(2), but reported that they would consider the application with an open mind. 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.

As per the above, Councillor Tony Linden declared that he had received information on the morning of the Committee concerning Agenda Item 4(2) and confirmed that he would not take this information into consideration as it had not been received by the deadline. The Chairman highlighted that this information had been received by all Committee Members and stated it was poor practice as no new evidence could be considered after the deadline for new information had passed.

### **14. Schedule of Planning Applications**

#### **(1) Application No. & Parish: 19/00344/COMIND Stonehams Farm, Long Lane, Tilehurst**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/00344/COMIND in respect of the demolition of existing structures and erection of an 85 bed care home (Class C2) with associated works including one access, parking, services and landscaping.

Mr Michael Butler introduced the report to Members' of the Committee, which recommended conditional approval, and ran through the key points. Over 10 letters of objection had been received for the application. Objections had been received from Tilehurst Parish Council, Public Rights of Way and Pang Valley Ramblers. Objections had not been received from any of the other statutory bodies consulted on the application.

Mr Butler clarified that the original application for the site included a 74 bed care home plus four additional dwellings with a separate access. Following negotiations with Officers the dwellings were removed along with the additional access. The number of bed spaces at the proposed care home increased by 11 to 85.

Regarding Planning Policy, Mr Butler reported that the National Planning Practice Guidance (NPPG) encouraged the provision of care homes. Mr Butler drew attention to section 6.2.2 of the report which highlighted that there remained an extant need for care home beds.

Mr Butler drew attention to comments in the update sheet from Travel Policy, which raised no objections to the proposal. The update sheet also contained a comment from the Highways Officer in response to ongoing concerns raised at the site visit regarding access to the site.

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Also in the update sheet was a recommendation to amend the wording of condition 16 concerning reducing the age restriction on people entering the care home from 65 to 55 years old.

Finally Mr Butler clarified that there was no proposed footpath link between the application site and the housing to the north west of the site. This had been indicated in the Housing Site Allocation Development Plan Document (HAS DPD) however, did not form part of the application given the nature of the proposal and the residents of the care home who would not be walking outside the application site for health and safety reasons.

Mr Butler concluded that on balance Officers were recommending the application be approved.

In accordance with the Council's Constitution, Mr Clive Taylor and Ms Rose Reynolds, Parish Council representatives, and Ms Hannah Pearce, agent, addressed the Committee on this application.

### **Parish Council Representation:**

Mr Taylor and Ms Reynolds in addressing the Committee raised the following points:

Mr Taylor was the vice-chairman of Tilehurst Parish Council, which had taken an interested view in the development of the land in question for many years.

The Parish Council objected to the proposal for an 85 bed care home on the site for a number of reasons:

- 1) The HSA DPD had been adopted by West Berkshire Council on 17<sup>th</sup> May 2017. Originally the site had been allocated in the view of accommodating 15 family dwellings. It was important that consistency was applied and if the current proposal was approved it would call the whole HSA DPD process into question.
- 2) The site was outside the settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB).
- 3) There was no evidence to suggest that a care home was required in the area.
- 4) There was concern regarding where site traffic would park during the development phase.
- 5) The access off Long Lane was located at the narrowest point and was not deemed appropriate by the Parish Council. There was also a dip in the road at the proposed access point, which would impair vision.
- 6) The road proposed at the exit for the site was already used at a 'rat run' to the M4 and if the hedgerow was not maintained it would become a single track lane.
- 7) There was insufficient car parking proposed for the site. There could potentially be up to 25 members of staff per shift, which would only leave three spaces for visitors to the care home. Mr Taylor was concerned about overspill parking and highlighted that Long Lane was not suitable for this purpose.
- 8) The site was not easily accessible by public transport.
- 9) Because care workers were often paid the minimum wage, this would attract workers from further afield
- 10) Mr Taylor referred to potential shift patterns and did not feel that the projected traffic movements to and from the site included staff movements.

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- 11) The number 16 bus service was the only one serving the area and only stopped once per hour on a Saturday. Anyone accessing the bus stop would have to walk along Lone Lane, which was considered dangerous.
- 12) Finally Mr Taylor stated that plans for the site no longer included much needed affordable housing, which had been included as part of application for 15 houses permitted in June 2017. There was no need for such a care home in the local area and Mr Taylor stated that a similar provision in the area was currently underused.

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

Councillor Graham Pask asked the representatives from the Parish Council to describe the location of the bus stop. Ms Reynolds stated that it was 200 yards from the roundabout off Dark Lane.

Councillor Alan Macro asked what information the Parish Council was basing its statement on, regarding shift patterns. Ms Reynolds stated that the information could be found in the Planning Officer's report.

### **Agent's Representations:**

Ms Hannah Pearce in addressing the Committee raised the following points:

- The care home would provide an acute care setting.
- The principle of the development was well established.
- The site had been allocated through the Local Plan and there was already planning permission on the site for 15 dwellings.
- The proposed care home would sit within the settlement boundary.
- Care homes were classed as C2 and needed to be considered under new policy guidance.
- If approved 47 of the units could be counted towards the housing supply. This would release housing stock locally.
- Nationally the elderly population was increasing. Planning Policy required specialist accommodation to meet the needs of people with Dementia.
- The proposed care home had a low roof profile being only 2.5 storeys high. The overall height of the proposal was the same height as the dwelling located next to the site.
- Regarding the wider surroundings, 66 dwellings had recently been approved on the adjacent site. Therefore the proposal would sit comfortably within its surroundings and the adjacent site would provide an element of screening.
- Pedestrian crossings were proposed as part of the development.
- No objections had been received from any of the statutory consultees.
- There was an identified need for a care home in the local area.

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

Councillor Graham Pask noted that a local need for such a facility had been indicated by Ms Pearce and asked what evidence this was based on. Ms Pearce reported that Christie and Co had conducted a care needs assessment on behalf of the applicant over a five kilometre radius. The current need in the area had been calculated to be 329 beds and this was expected to double by 2029.

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Councillor Tony Linden noted that Mr Taylor had mentioned the existence of a care home within the local area that was underused and asked Ms Pearce to comment on this point. Ms Pearce stated that the design of care homes had moved on substantially and that sometimes older provision was not able to meet demand.

Councillor Jeremy Cottam referred to the calculated figure of need from the needs assessment of 329 beds and queried how many would be dementia patients. Ms Pearce confirmed that the number was based on the beds required. The care home if approved would be dual registered and would not be specifically for patients with dementia.

Councillor Pask queried when a care home was classed as a nursing home. Ms Pearce confirmed that the care home would be dual registered so that it could provide nursing and residential care. There was a recognised level of staff per bed. Councillor Pask further questioned if staffing figures would adequately cater for the high needs of patients staying at the home. Ms Pearce confirmed staffing levels were based on an average and would be adequate to meet the need of patients. Ms Pearce added that staff would have access to a mini bus service and this was incorporated into a draft travel plan for the development. Councillor Pask requested that the point of a draft travel plan be revisited later in the proceedings.

### **Member Questions to Officers:**

Councillor Pask asked if there was a draft travel plan for the site and at what stage this would be agreed. Mr Butler stated that the applicant had submitted a draft travel plan and Officers were satisfied with this. Mr Butler confirmed that positively the travel plan contained details of a mini bus service for staff. The Chairman suggested that a condition be added if planning permission was approved requesting the inclusion of an agreed travel plan.

Councillor Macro referred to page 28 of the report, which detailed an objection from the Public Rights of Way Officer and asked Officers to comment on this point. Secondly Councillor Macro referred to condition 20 on page 38 of the report regarding BREEAM. He was of the understanding that all residential developments required an 'excellent' rating for BREEAM. He noted that the application if approved would only achieve a rating of 'very good' and queried why this was deemed acceptable. The Chairman commented that BREEAM had recently progressed.

In response to Councillor Macro, Mr Butler referred to the objection from the Public Rights of Way Officer and stated that there had been an ongoing internal debate between Highways and Public Rights of Way regarding the traffic that would be generated along Long Lane if the application was approved. As the case officer, Mr Butler stated that he had taken the objection from the Public Rights of Way Officer concerning pedestrian safety into account however, did not consider that the small increase in generated traffic would warrant refusal of the application.

Mr Butler further stated that the site was identified under the HSA DPD and many issues had been raised at this stage and therefore the site was not to be considered as building on a greenfield site.

Regarding BREEAM, Mr Butler stated that the Chairman was correct in his comment that BREEAM had moved on. The rating of 'excellent' was extremely difficult to reach for a care home because of the internal building regulations required due to the nature of the occupants. The rating of 'very good' was the highest that could be achieved for the application.

### **Debate:**

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Councillor Cottam expressed his disappointment in the BREEAM rating as he did not feel the expected rating of 'excellent' should be compromised due to the nature of the patients staying at the care home. The Chairman highlighted that an 'excellent' rating would be impossible to achieve.

Councillor Macro stated that he shared concerns about the possible traffic generated by the site as there would be almost twice the number of vehicle movements compared to what there was currently. Visibility along Long Lane was poor and often reached the stage where several vehicles had to attempt to pass each other at the same time. Councillor Macro was also concerned about pedestrian safety when walking in and out of Footpath (TILE/6/2).

Councillor Pask stated that his interpretation of the BREEAM rating of 'very good' was that it was not quite 'excellent'. If 'excellent' was not achievable then he was satisfied. Regarding traffic, Councillor Pask commented that visitors did not normally visit during peak times. He also noted the mini bus provision. Councillor Pask referred to the NPPG, which encouraged the planning system to help meet the needs of the elderly and according to a risk assessment conducted over a five kilometre radius, there was a need for such a facility. Councillor Pask commented that on balance he was minded to support the application and therefore proposed that Members support Officer recommendation to approve planning permission. He added that approval would need to be subject to an agreed traffic plan that provided adequate means of travel to the site. Councillor Geoff Mayes seconded the proposal by Councillor Pask.

Councillor Linden stated that the site once fell within his own ward and therefore he was aware of the history of the site. He understood concerns about traffic generation and safety however, the Highways Officers had raised no objection to the application. Councillor Linden noted that the site already had planning permission for a number of dwellings and therefore he was minded to support the application.

Councillor Geoff Mayes noted that Thames Water had raised a concern regarding water supply to the site and queried if the supply was adequate. Mr Butler stated that this would be dealt with through conditions.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Pask, seconded by Councillor Mayes, to support Officer recommendation, subject to an additional condition ensuring a travel plan was submitted and agreed. At the vote the motion was carried.

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

### **Conditions**

#### **1. Time limit.**

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

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

#### **2. Plans approved.**

The development must be carried out in strict accord with the following approved plans: [all G4250] Site layout-90-001w, Elevations-0-P-07 B, Location plan-P-08 C, Ground floor-P-01-E, Roof plan-P-04-C, First floor-P-02-E, Second Floor-P-03-E.

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

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### **3. Samples of materials.**

On completion of the slab level of the care home no further work shall take place until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy ADPP5 in the WBCS of 2006 to 2026.

### **4. Hours of working.**

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers, in accord with saved policy OVS6 in the WBDLP of 1991 to 2006.

### **5. Contamination.**

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

Reason To ensure public safety is protected, in accord with the advice in the NPPF of 2019.

### **6. SUDS**

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

e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an the public sewer at no greater than 2 l/s for up to the 1:100 year storm event with a 40% allowance for Climate Change;

f) Include flood water exceedance routes, both on and off site; include flow routes such as low flow, overflow and exceedance routes;

g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

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### **7. CMS**

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

The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) HGV haul routes

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **8. EV charging points.**

On completion of the slab level of the care home, details of electric vehicle charging points must be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until associated electric vehicle charging point(s) have been provided in accordance with the approved drawings. The charging points 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 (February 2019), 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).

### **9. S278 works.**

The development shall not be brought into use until the following works have been completed via Section 278 of the Highways Act 1980 or other appropriate mechanism:

- a. Pedestrian crossing and footway connections across Long Lane adjacent the proposed access point.
- b. Widening of Long Lane opposite the proposed northern vehicular access.

The works shall be constructed in accordance with the approved drawing(s) and any statutory undertaker's equipment or street furniture located in the position of the works must re-sited to the satisfaction of the Local Highway Authority.

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



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

### **10. Visibility splays**

The development shall not be brought into use until the visibility splays at the proposed access has been provided in accordance with the approved drawings. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

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

### **11. Vehicle parking.**

The development shall not be brought into use until the vehicle parking and/or turning space have been surfaced, marked out and 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 with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

### **12. Vehicle access construction.**

The development shall not be brought into use until the associated vehicular access onto Long Lane has been constructed in accordance with the approved drawing(s).

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **13. Cycle parking.**

The development shall not be brought into use until associated cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

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

### **14. Water network upgrades.**

The care home shall not be occupied until confirmation has been provided that either all water network upgrades required to accommodate the additional flows from the development have been completed; or an infrastructure phasing plan has been agreed with Thames Water to allow the care home to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity

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is made available to accommodate additional demand anticipated from the new development in accordance with the advice in the NPPF on public health.

### **15. Minerals**

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

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

Reason: To ensure no sterilisation of minerals in accord with policy 2A of the RMLP for West Berkshire.

### **16. Age restriction.**

At no time shall any occupant of the care home be under the age of 55 years old, unless specific agreement in writing with the Local Planning Authority has been achieved.

Reason: To ensure the care home is used for its intended purpose, and in the interests of ensuring parking on site does not become congested, in accord with policy CS13 in the WBCS of 2006 to 2026.

### **17. Finished floor levels.**

No development shall commence until details of the finished floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy ADPP5 in the WBCS of 2006 to 2026.

### **18. Landscaping**

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

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of policy ADPP5 of the WBCS of 2006 to 2026, and the conservation of the AONB area.

### **19. Use of site restricted.**

The premises shall be used for a care home only and for no other purposes in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as

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amended) or any subsequent amendment or replacement of this Order, nor shall its use be changed to any use falling under any other use class set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or any consequent amendment or replacement of this Order.

Reason: Any other use is not acceptable on the site in accordance with the advice in the DMPO of 2015 and the parking facilities on the site.

### **20. BREEAM**

The Care Home shall achieve 'very good' under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The care home shall not be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of very good has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework and policy CS15 of the WBCS of 2006 to 2026.

### **21. External lighting.**

On completion of the slab level of the care home, details of the external lighting to be used in the areas around the proposed building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the care home shall not be occupied until the external lighting has been installed in accordance with the approved details. No additional external lighting other than that proposed in accordance with the approved details shall be installed unless permission has been granted in respect of a planning application.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development in the AONB in accord with policy ADPP5 in the WBCS of 2006 to 2026.

### **22. Hard surfacing and fencing.**

On completion of the slab level of the Care Home, a scheme for the means of treatment of the hard surfaced areas of the site, and the perimeter fencing around the site, must be submitted to and approved in writing by the Local Planning Authority. The care home shall not be occupied until the hard surfaced areas and fencing has been constructed in accordance with the approved schemes.

Reason: In the interests of visual amenity, in accordance with Policy ADPP5 of the WBCS of 2006 to 2026.

### **23. Travel Plan Condition**

The owner/occupier shall implement the approved Travel Plan (dated 07 July 2019), commencing no later than three months after the first occupation of the development hereby approved and take reasonable practicable steps thereafter to deliver the key measures as outlined in the plan to encourage sustainable travel and to discourage car journeys to the site. This shall include if possible a minibus service for staff if proved viable. The owner/occupier shall also maintain the agreed targets and undertake monitoring and reporting within the timescales set out in the plan.

Reason: To ensure the development reduces reliance on private motor vehicles. This condition is imposed in accordance with National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West

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Berkshire Local Plan 1991-2006 (Saved Policies 2007) and Policy LTP SC1 of the Local Transport Plan for West Berkshire 2011-2026.

Informative.

1. 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) Application No. & Parish: 19/00772/RESMAJ Land adjacent to Primrose Croft, Reading Road, Burghfield Common**

*(Councillor Royce Longton declared a personal interest in Agenda Item 4(2) by virtue of the fact that the manager of The Hollies Nursing Home was his next door neighbour. 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.)*

*(All Members had been lobbied by the applicant for Agenda Item 4(2), but reported that they would consider the application with an open mind. 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.)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/00772/RESMAJ in respect of a reserved matters application following approval of the outline application 16/0168/OUTMAJ for 28 dwellings. Matters to be considered: Appearance, Landscaping, Layout and Scale.

In accordance with the Council's Constitution, Mr Ian Morrin and Ms Andrea Hales, Parish Council representatives, Dr Gail Johnston and Mr Ben Tait, objectors, Mr Alastair Pott and Ms Michelle Quan, applicant/agent, and Councillor Graham Bridgman (Ward Member) addressed the Committee on this application.

### **Parish Representation**

Mr Morrin in addressing the Committee raised the following points:

This was an unpopular development in Burghfield due to the serious impact it would have upon the health of residents living at the Hollies Nursing Home.

The housing density of 30 dwellings per hectare was not sympathetic and was out of keeping with the character of the surrounding area.

The affordable housing proposed should be distributed across the site, in line with West Berkshire Council's policy, rather than being clustered together.

The buffers between the site and the Hollies needed to be enhanced to go beyond the minimum requirement.

The proposal conflicted with the Burghfield Parish Design Statement.

Pedestrian safety needed to be ensured. The public footpath on Reading Road would be on the opposite side from the development with no form of crossing facility.

A car park layout plan needed to be submitted.

Only one point of access was proposed to the site, this was a concern for emergency vehicle access.

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Ms Hales in addressing the Committee raised the following points:

Density was a concern as this created a close boundary with the Hollies.

There was no agreement in place for the maintenance of the buffers.

The proposal had received approximately 50 objections. The noise impact created by the development of and occupation of the site would have a serious long term impact upon the health and wellbeing of residents of the Hollies, in particular to their mental health. The exposure to constant noise would result in sleep deprivation and depression. All the windows of the Hollies were single glazed.

Many Hollies' residents suffered from dementia and it would be difficult for them to understand and cope with the close proximity of the development and the noise it would generate. Ms Hales urged the Committee to consider how they would view this application if they had a relative living at the Hollies.

Construction equipment and vehicles would be stored to the rear of the nursing home which was another concern.

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

Councillor Graham Pask sought to understand the car parking concern when provision was allocated for each dwelling. Mr Morrin explained that the Burghfield Parish Design Statement did not allow for on street car parking in front of houses. It was the view of the Parish Council that the number of cars would exceed the parking provision and this would result in on street car parking.

In response to questions from Councillor Alan Macro, Ms Hales confirmed that the concern of noise pollution applied to both the construction phase and once the development was completed. When considering this was a reserved matters application, Ms Hales reiterated that the proposed density was of concern. This would increase noise and was not in keeping with local housing.

### **Objector Representation**

Dr Johnston in addressing the Committee raised the following points:

There was a need to conduct an extensive Phase One Habitat Survey on the site. There was no evidence that this had been undertaken. The ecologist employed by the applicant had relied upon a basic four year old survey which was redundant and an up to date and detailed habitat survey was needed.

The Council's Ecologist had commented that additional biodiversity enhancements were needed.

No buffer was proposed between the site and the ancient woodland. This was needed, if the application was approved, to mitigate the significant impact on the ancient woodland from the development.

Mr Tait in addressing the Committee raised the following points:

He was addressing the Committee on behalf of the Hollies. Members of staff were very disappointed with the proposal and its recommendation for approval. It had been their expectation that West Berkshire Council would do more to protect residents. The proposal, if implemented, would have a serious impact on residents' health and privacy.

The residents deserved the highest degree of privacy. However, the distance between the Hollies and the development only just adhered to the required separation distance.

This need for privacy was most apparent on the upper floors where residents received the majority of their care, including palliative care. However, there would be no screening

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for many years before planting would have grown to the required height. Once grown it would block natural light received by the Hollies.

If the application was approved, then more needed to be done to enhance the buffers. The distance between the Hollies and the proposed dwellings needed to be increased in order to adhere to the government guidance on such distances in low density housing areas. The planning report stated that West Berkshire Council had no grounds on which to seek a greater separation distance, but Mr Tait questioned this by making reference to a previous appeal decision for the site in 2011 when the Appeal Inspector disagreed with West Berkshire Council's view on this point and felt that more should be done to protect the amenity of the Hollies. Mr Tait asked why this previous refusal reason was no longer considered an issue.

There would be no connection between this site and the rest of the village, and this was prevented by land ownership issues. There was no proposal to extend or widen the existing pathway to enable access to the village.

### **Member Questions to the Objectors**

No questions were put to the objectors. Councillor Alan Law commented that the queries raised in the presentation would be put to officers for clarification later in the meeting.

### **Applicant/Agent Representation**

Ms Quan in addressing the Committee raised the following points:

The site was allocated for housing development in the Housing Site Allocations Development Plan Document (HSA DPD).

Outline planning permission for 28 dwellings was granted in October 2018. This permission included approval of the access and a Section 106 agreement. This application was purely to consider reserved matters.

Consultation had taken place on the proposal, feedback had been taken on board and many revisions had been made to the application as a result. This included the incorporation of one bedroom apartments to help meet local need. The planting scheme had also been enhanced to improve screening.

The applicant was aiming to reflect local character in the design of the dwellings/the site and had worked hard to deliver an acceptable scheme.

Parking provision was in accordance with the required standards. Highways Officers had no objection to the proposal subject to conditions.

The points raised by the Housing Officer had been addressed. This was the first phase of development for this allocated site with more development, including affordable housing, to follow. Approval would contribute to West Berkshire's housing supply.

Footpath improvements could be enhanced.

Approval of the application was sought in line with the Officer recommendation.

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

Councillor Tony Linden questioned plans to lessen the impact of the development on residents of the Hollies. Ms Quan explained that the indicative layout did form part of the outline application. Site constraints meant that options around the access were limited. However, the buffer had increased from that shown on the indicative layout to three metres on both sides. There was also willingness to accept an amended condition to allow for further negotiations on the buffer with the Hollies.

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Councillor Graham Pask queried why the affordable housing was not proposed to be 'pepper potted'. Ms Quan reiterated that this proposal was part of a wider housing allocation. This was the first phase only. In terms of the affordable housing for this application, the likely preferences of developers for clusters of affordable housing had been taken into account. Mr Pott added that this approach was easier to manage for developers.

Councillor Geoff Mayes queried access for construction vehicles. He was concerned that this would be restricted when taking into account the 0.6 metre gravel boards to be in place. Ms Quan explained that this would form part of the Construction Management Plan. Clauses within the S106 agreement would allow for access and the ability to manage ground levels. Mr Pott confirmed that these factors would ensure that access for construction vehicles could be accommodated alongside the gravel boarding.

Councillor Jeremy Cottam asked if the existing planting facing the road would be retained. Ms Quan advised that it would be necessary for some loss of this planting to accommodate the development, but replacement planting was proposed. The Ecologist was content on this point.

Councillor Cottam followed this by querying what would be retained. Mr Pott explained that the majority of existing planting would have to be removed to achieve the necessary sight lines. He reiterated that there would be replacement planting.

Councillor Jo Stewart referred to the impact on residents of the Hollies. She acknowledged the point around the three metre buffer, but this would not serve to abate noise from gardens when families/children would likely occupy some of the new dwellings. Mr Pott advised that he had much experience in the development of retirement villages and made the point that this type of noise gave enjoyment to some elderly residents.

### **Ward Member Representation**

Councillor Bridgman, in addressing the Committee as Ward Member, raised the following points:

Councillor Bridgman began by advising the Committee that he had held lengthy discussions with both the applicant and the owner of the Hollies on this application, and he would be making reference to some points highlighted by the Hollies.

As explained in the report, the outline permission included two additional crossing points on Reading Road. However, this needed to be confirmed as the file plan showed a single crossing and a traffic island.

Hours of work and the storage of construction vehicles/equipment was a point of concern for the Hollies, in particular the impact this could have on residents suffering from dementia. The request from The Hollies was that construction work should not start earlier than 10.00am to minimise the disturbance on residents.

Turning to the boundary/buffer requirements, Councillor Bridgman felt there was a discrepancy in the plans. It needed to be ensured that the buffer ran the required length and an appropriate condition was needed to cover this. Once planted by the applicant, the maintenance of the buffer would transfer to the Hollies. The trees to be planted would be between 3 metres and 3.5 metres in height. He questioned whether the width of the buffer (3 metres) was an increase as this was not defined in policy and his understanding was that this was a proposal of the applicant.

### **Member Questions to Officers**

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Councillor Law referred to points of concerns raised by speakers and asked Officers to comment on those.

Starting with the landscape buffer, Lydia Mather (Senior Planning Officer) explained that the buffer was defined in the HSA DPD. In addition, a parameter plan was approved at the outline stage. She confirmed that the 3 metre width was an increase on the parameter plan.

The Tree Officer was content with the landscaping subject to conditions (condition 8). This condition could however be amended to exclude the existing landscaping plans in the area adjacent to the Hollies and for the details of the landscaping for this area being submitted separately and prior to occupation of the dwellings. This was supported by Members.

The policy guidance on the separation distance between properties was 21 metres and this was achieved for all plots with the exception of plot 4. Mrs Mather suggested that this could be resolved by repositioning plot 4 so that it overlooked garages rather than the Hollies.

Ecological aspects were considered at the outline stage when relevant documentation was submitted. This was not a consideration for this reserved matters application. The Ecologist had not issued a request for further documentation, i.e. Phase One Habitat Survey and had no objection to this application subject to conditions.

Gareth Dowding (Senior Engineer) clarified that crossing points were in line with the S106 legal agreement. There were two traffic islands near to the entry to the site but only one of those was a crossing point. The second traffic island incorporated a dropped kerb. In conclusion there were no road safety concerns.

Standard hours of work were set as a condition in the outline permission and would be reflected in the Construction Management Plan. The hours were: 7.30am to 6.00pm Mondays to Fridays; 8.30am to 1.00pm Saturdays; nothing on Sundays or bank holidays. Councillor Law queried if there was any scope to reduce hours in line with the comment of the Ward Member on behalf of the Hollies. David Pearson (Development Control Team Leader) advised that Members could suggest amendments, but the National Planning Policy Framework (NPPF) stated that conditions needed to be reasonable before they could be imposed. It was queried whether there was scope to vary this condition when it was set at the outline stage. In response, Shiraz Sheikh (Deputy Monitoring Officer) did not feel that this would be possible.

Councillor Royce Longton queried the location of the Sustainable Drainage System (SuDS) pond. Mrs Mather explained that the Local Lead Flood Authority had not objected to the proposed location of the pond – which would be in close proximity to the woodland.

Councillor Geoff Mayes queried foul drainage of the site. Would this flow to a Thames Water pumping station or to the SuDS pond post treatment? Mrs Mather could not confirm this point but advised that Thames Water had no objection to the proposal subject to conditions. Mr Pearson added that this was a matter for building regulations rather than for planning.

Councillor Jeremy Cottam raised the need to be sympathetic to the needs of residents of the Hollies, in particular with regard to the location of construction machinery, vehicles and the construction office. Mrs Mather explained that this would be covered within the Construction Management Plan. Mr Pearson added that should this become a concern during construction, Environmental Health Officers could be asked to investigate.

### **Debate**



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Councillor Pask felt that the key points had been thoroughly debated. Outline permission was in place but it was critical that the needs of the Hollies' residents were protected. He was reassured to note the point made by the applicant that he held experience in developing care homes/retirement villages and all efforts should be made to lessen the impact of the development on the Hollies. The applicant should strive to be a good neighbour to the Hollies as should potential future residents.

The Parish representative had raised concern over car parking. However, paragraph 7.31 of the report confirmed 78 parking spaces excluding garages when the requirement for the development was 72 spaces.

Councillor Pask supported the proposal to reposition plot 4 to mitigate the need to achieve the 21 metre separation distance between properties.

Councillor Pask proposed acceptance of Officers' recommendation to grant approval of this reserved matters application subject to conditions. This was seconded by Councillor Cottam.

Councillor Law queried if the repositioning of plot 4 could be an enforceable condition or included as an informative. Mr Pearson advised that the Committee could recommend approval of the application subject to the receipt of satisfactorily amended plans with authority delegated to the Head of Development and Planning to determine the amended plans.

Councillor Pask as proposer and Councillor Cottam as seconder were content with this addition to the recommendation.

Councillor Longton remained concerned at the impact this application could have on the residents of the Hollies based on the level of concern expressed by the Parish Council and objectors. These points would only be partially mitigated by conditions and he would therefore abstain from the vote.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission for this reserved matters application, subject to the receipt of satisfactory amended plans for plot 4 and subject to the following conditions: - including an amendment of condition 8 – landscaping and an additional condition relating to the landscaping directly adjoining (as set out below) The Hollies.

### **Conditions**

1. The development hereby permitted shall be carried out in accordance with the approved drawing numbers and documents:

Received on 5 April 2019

C-3000 Revision C

C-3001 Revision C

C-3005 Revision C

C-3006 Revision C

C-3010 Revision D

C-3011 Revision D

C-3015 Revision C

C-3025 Revision C

C-3035 Revision C

C-3040 Revision C

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C-3041 Revision C

C-3042 Revision C

C-3045 Revision D

C-3050 Revision C

D7438.400

WLC194-1300-001 Revision A

The Environment Partnership Landscape Management and Maintenance Plan  
Design and Access Statement

Received on 5 July 2019

C-1020 Revision L

C-1021 Revision L

C-1024 Revision L

D7438.001 Revision 05

D7438.101 Revision 06

D7438.102 Revision 06

D7438.103 Revision 06

D7438.200 Revision 05

D7438.201 Revision 05

D7438.202 Revision 05

D7438.203 Revision 05

D7438.301 Revision 05

174961-03 Revision G

Received on 10 July 2019

C-1022 Revision L

C-1023 Revision L

Received on 17 July 2019

174961-05 Revision C

Received 18 July 2019

C-3020 Revision D

C-3021 Revision A

C-3030 Revision H

Received on 22 July 2019

D7438.003 Revision 04

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Received on 26 July 2019

C-1005 Revision L1

Received on 30 July 2019

C-1010 Revision E

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

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

Reason: To ensure that the external materials are visually attractive and respond to local character in accordance with the National Planning Policy Framework 2019, Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy GS1 of the Housing Site Allocations DPD 2006-2026, and Supplementary Planning Document Quality Design 2006.

3. Should any unforeseen land contamination be found during the development all relevant works shall cease and details of the contamination and the mitigation measures required, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be provided in accordance with the approved details prior to the first occupation of the relevant dwelling(s). Details of compliance with the mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant dwelling(s). Should any land contamination not be found during development confirmation of this shall be submitted to the Local Planning Authority upon completion of the construction of the dwellings hereby permitted.

Reason: To protect the amenity of future occupants in accordance with the National Planning Policy Framework 2019, policy CS14 of the West Berkshire Core Strategy 2006-2026, and policies OVS.6, OVS.7 and OVS.8 of the West Berkshire District Local Plan Saved Policies 2007.

4. The drainage pond hereby permitted shall not be brought into use until details of its ongoing maintenance have been submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage pond shall be maintained in accordance with the approved details.

Reason: To ensure the drainage and surface water flooding for the site is sustainably managed and maintained in accordance with the National Planning Policy Framework 2019, policy CS16 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA16 of the Housing Site Allocations DPD 2006-2026 and the Supplementary Guidance Document: Sustainable Drainage Systems 2018.

5. No dwelling shall be occupied until details of electric vehicle charging points for each house and communal points for the flats have been submitted and approved

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in writing by the Local Planning Authority and the electric vehicle charging points have been provided in accordance with the approved details. The details shall provide 7kw chargers for individual dwellings and 22kw chargers for communal areas, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of sustainable development in accordance with the National Planning Policy Framework 2019, and policy P1 of the West Berkshire Housing Site Allocations DPD 2006-2026.

6. No dwelling shall be occupied until the vehicle parking and/or turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic in accordance with the National Planning Policy Framework 2019, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

7. No dwelling shall be occupied until the cycle storage has been provided in accordance with the approved plans.

Reason: To promote cycling by providing convenient and safe bicycle storage in accordance with the National Planning Policy Framework 2019, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

8. With the exception of the landscaping within the buffer around the building known as The Hollies, all landscaping works shall be completed in accordance with the submitted plans, schedule of planting and retention programme of works and other supporting information including drawing numbers D7438-200 Rev 05, 201 Rev 05, 202 Rev 05, 203 Rev 05 received on 5 July 2019 within the first planting season following completion of the construction of the dwellings hereby permitted. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved. The landscaping shall be managed and maintained in accordance with the Environmental Partnership Landscape Management and Maintenance Plan received on 5 April 2019.

Reason: To ensure the implementation, management and maintenance of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework 2019 and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

9. The dwellings shown as plots 2, 3, 4, 7, 8, 18, 19, 20, 21 and 22 shall not be occupied until details of the landscaping within the buffer to the property known as The Hollies have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be provided prior to the occupation of the dwellings on the aforementioned plots. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally provided. The landscaping shall be managed and

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maintained in accordance with the Environmental Partnership Landscape Management and Maintenance Plan received on 5 April 2019.

Reason: To ensure the implementation, management and maintenance of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework 2019 and policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/roof lights/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed at first floor level and/or within the roof on the north east side elevations of the dwelling of plot 17 on drawing C-1021 Revision L received on 5 July 2019 hereby permitted, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: In the interests of the privacy and amenity of neighbouring properties and to prevent the overlooking of Primrose Croft in the interests of neighbouring amenity in accordance with the National Planning Policy Framework 2019, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document Quality Design 2006 and Supplementary Planning Guidance 04/2 House Extensions 2004.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Class E of that Order shall be carried out, on the area of land shown as a buffer to the woodland on parameter plan drawing 2610-A-1200-C to the north of plots 9, 10, 11, 12, 13 and flats 23-28 shown on drawing C-1021 revision L received on 5 July 2019 without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: To protect the woodland and local wildlife area and in the interest of biodiversity in accordance with the National Planning Policy Framework 2019, Policies CS17 and CS18 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA16 of the Housing Site Allocations DPD 2006-2026.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no fences, gates, walls or other means of enclosure shall be altered or erected of plots 9, 10, 11, 12, 13 and flats 23-28 shown on drawing C-1021 revision L received on 5 July 2019 where it would be on and/or along the edge of the area of land shown as a buffer to the woodland as shown on parameter plan drawing 2610-A-1200-C. No gate or means of access shall be provided from plots 9, 10, 11, 12, 13 and flats 23-28 to the woodland or the area shown as a buffer.

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Reason: To protect the woodland and local wildlife areas and in the interest of biodiversity in accordance with the National Planning Policy Framework 2019, Policies CS17 and CS18 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA16 of the Housing Site Allocations DPD 2006-2026.

### **(3) Application No. & Parish: 19/01171/FULD Blacknest Farm, Brimpton Common, Reading, RG7 4RN**

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 19/01171/FULD in respect of the demolition, salvage and rebuild of the existing buildings to create three live-work units together with access, landscaping and associated works.

Mr David Pearson introduced the report to Members' of the Committee, which recommended refusal, and ran through the key points. The item had been called in by the Ward Member as it had been recommended for refusal, due to expressed concerns by local residents and Brimpton Parish Council concerning the condition of the existing buildings.

Regarding the planning history of the site, there was extant consent on the site for conversion of the existing buildings for mixed use including residential and storage. An application for conversion with few alterations to the buildings had been received and supported by Planning Officers however, subsequently the agent had revised their plans and had submitted an application for the demolition and redevelopment of the site and an application had been refused in 2018. The current application was an almost identical scheme to the one refused in 2018 and objections had been received from Ecology and Planning Policy.

Mr Pearson referred to the update sheet, which detailed that Officers had tried to persuade the applicant to provide an updated ecology report however, the applicant had suggested that the application be accepted in principle and then the ecology report would be provided afterwards. Officers' did not agree that this was an acceptable way forward.

Mr Pearson stated that the principle of the development was unacceptable and contrary to the development plan. An additional reason for refusal included the failure to provide an up to date report on the Brown Long Eared Bats inhabiting on the site. If approved Mr Pearson stated that the application would have to be referenced up to the District Planning Committee for final decision due to the strategic impact approval, which was clearly contrary to development plan policy, would have on the application of the relevant issues involved across the district.

In accordance with the Council's Constitution, Ms Mary Cowdery, Parish Council representative, and Mr Sean Bates (applicant) and Mr Steven Smallman (agent), addressed the Committee on this application.

#### **Parish Council Representation:**

Ms Cowdery in addressing the Committee raised the following points:

- Ms Cowdery was representing Brimpton Parish Council, which was in support of the application.
- The site had been a brownfield site since 1897 and farm buildings had been present on the site since this time to her knowledge.
- The current buildings had been present on the site since 1968 and therefore were not in the best condition.
- The last application for conversion had been submitted in 2017 however, upon further investigation the buildings had been found to be unfit for conversion.

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- The current application would bring the site up to date and would ensure it complied with necessary building regulations.
- Planning Policy C1 concerned settlements in the countryside and used the words 'close knit' cluster of dwellings as a reason to accept development in the countryside, which was outside of the settlement boundary. In Ms Cowdery's opinion this site met the criteria of this policy.
- The plot sizes proposed as part of the application were similar to adjacent plots and not out of keeping with the nearby area and therefore in the Parish Council's view met relevant criteria of Policy C1.
- The Parish Council did not believe this part of Brimpton Common to be in the countryside but rather part of a community.
- Policy C9 stated that there would be a shortage of B1 floor space up until 2026 and therefore continued support for new businesses was required.
- It had been confirmed that Brown Long Eared Bats were present on the site. Ms Cowdery confirmed that there was a small wooded area less than 500 metres from the site and therefore the bats would adapt.
- There were 232 households in Brimpton and 63% had responded to a recent questionnaire about living in the area. 40% of those responding were retired; 29% worked from home; 66% wanted to see more houses in the parish and 71% wanted new houses built in the area to be smaller. Many had also expressed support for the change of use of existing buildings.
- The proposal would tidy up a derelict site and would provide much needed live/work units. It would increase housing on Brimpton Common.

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

Councillor Graham Pask referred to ten houses in a row near to the site and asked if the site was located in the middle of these houses. Ms Cowdery confirmed that this was not the case.

Councillor Joanne Stewart had noted at the site visit that there had been a need to ensure the access was clear to ensure another building could be accessed and queried what the purpose of this building was. Ms Cowdery confirmed that the building was owned by AWE to house equipment for measuring earthquakes.

The Chairman noted that Ms Cowdery had stated that the buildings were no longer fit for conversion. He referred to section 9.5 of the report which referred to a structural survey report, which had been used as evidence for 17/01857FULD to prove that the existing buildings were structurally sound and capable of conversion. The Chairman queried what had changed. Ms Cowdery suggested that the Chairman direct this question the applicant.

### **Supporter Representations:**

Mr Sean Bates and Mr Steven Smallman confirmed that they were also the applicant and agent (respectively) for the application. In addressing the Committee they raised the following points:

- Mr Smallman reiterated that there was already extant planning permission on the site and therefore informed the Committee of the reasons for submitting another application.

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- It was felt that the option to rebuild provided a much better scheme. The internal quality of the build would be better and more sustainable. Carbon emissions from the development would be reduced by a third. This was why a salvage and redevelopment scheme had been chosen.
- Mr Smallman commented that even a conversion scheme required compromise. Mr Smallman stated that it was not that the buildings were not sound but rather that to convert them would cause a significant compromise.
- There were planning policies around replacement dwellings to limit the impact on the countryside and in his view this was what the scheme achieved.
- A balance needed to be sought that took planning considerations into account along with other factors such as improved energy efficiency and a reduced carbon footprint. Balance and common sense needed to be applied when considering the application.
- The land had been previously development and no objections to the proposal had been received from residents. The Parish Council were in support of the application.
- Regarding ecology, normally Phase 1 could be updated however, in this case it could not. In order to update Phase 1, it would take three months to update the surveys and therefore the applicant wished to know if the proposal could be agreed in principle before taking this step.
- Blewburton Ltd had conducted an energy efficiency survey and compared the rebuild and conversion options.

### **Member Questions to the Supporters:**

Councillor Pask noted that the rebuild option had been chosen due to it being more sustainable and energy efficient and queried why this could not be achieved with a conversion. Mr Bates confirmed that it could not be achieved due to economic reasons and technicalities. He was disappointed that the Planning Officer had been so dismissive of the application as they were not experts in the field.

The Chairman asked Mr Bates to confirm if a conversion could not be achieved because of technical or economic reasons and Mr Bates confirmed that both reasons applied. The economics were different for both options and a conversion would be worth less than a rebuild to a higher standard. The Chairman asked if the conversion scheme could be revised to produce the same standard as the rebuild scheme and Mr Bates did not think that it could.

Councillor Alan Macro struggled to see how the bat population on the site would be protected if the current buildings were knocked down. Mr Bates stated that they had been asked to submit a short update to the previous ecology report but refused. Nine investigations would be required to produce a new report, which would take until the end of August and if a solution could not be found then development would not commence. Mr Smallman stated that a mitigation scheme could be put in place. Councillor Macro asked for clarification that if the bats could not be protected then the development would not be able to go ahead and Mr Smallman stated that a process would need to take place first including nine surveys to determine this.

Councillor Geoff Mayes presumed that there would be an intention to use some of the old tiles for the rebuild if the application was approved. Mr Bates expected that there would be enough materials from the three current buildings to build two new ones. Every effort



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would be made to re-use materials and what could not be used would be recycled in other ways.

The Chairman highlighted that a report from 2017 stated that the current buildings were structurally sound. He asked the applicant to confirm if this was still the case and if the reason for opting for a rebuild was because it was considered a better solution. Mr Bates confirmed that this was correct.

### **Member Questions to Officers:**

Councillor Cottam was concerned that a precedent had already been set by giving permission to use the site. Mr Pearson confirmed that there were a number of exceptions with regards to development outside of settlement boundaries, including agricultural buildings and conversions. All other residential developments outside of the settlement boundaries were subject to the development plan. Permission for conversion to residential use had been given and this did not set a precedent for development which fell outside of that covered in the specified exceptions.

The Chairman stated that he had been the Portfolio Holder for Planning when the Development Plan Documents had been agreed. The relevant policies had been deliberately changed to remove the previously allowed option that allowed redundant rural buildings to be replaced with new dwellings.

Councillor Macro asked if the application submitted in 2018 had been any different to the one being considered. Mr Pearson stated that they were almost identical and the former application was refused under de-delegated powers.

### **Debate:**

Councillor Pask stated he had spoken with the Ward Member, Councillor Dominic Boeck, who had supported the application and agreed with the comments from the Parish Council. Councillor Pask expressed however, that he did not. He highlighted that as a planning committee, Members' were required to interpret policies but not change them. He was proud to be part of a plan led authority. Although a rebuild would look the same, it was contrary to the policies which had been put in place. Brimpton was not a defined settlement and therefore he supported the view of Officers and proposed the Members support the Officer recommendation to refuse planning permission. This was seconded by Councillor Macro, who was concerned that it would be difficult to protect bat species on the site if a salvage and rebuild scheme was approved.

The Chairman invited Members to vote on the proposal by Councillor Pask, seconded by Councillor Macro. At the vote the motion was carried.

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

1. The application site is located outside of the defined settlement boundary and within the open countryside as defined under Policy ADPP1 of the West Berkshire Local Plan Core Strategy (2006-2026) and Policy C1 of the West Berkshire Housing Site Allocation Development Plan Document (2006-2026) 2017. The site comprises three buildings that have an approved light industrial (Class B1c) use and ancillary storage buildings. The proposed works are for the demolition and redevelopment of the three light industrial buildings on the existing site to form dwellings and the conversion of the existing storage units into office accommodation to form a mixed residential and associated office use of the site. The proposed works are situated in a location with poor access to local services, amenities and public transport and would result in the development of three new dwellings on a site in the countryside, contrary to the provisions of Policy C1 of the Housing Site Allocations Development Plan Document

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2017 which states that there shall be a presumption against new residential development outside of the settlement boundaries defined earlier in the policy.

The housing supply policies of the statutory development plan provide an up-to-date framework for the determination of housing applications within West Berkshire, and the Council can demonstrate a five year housing land supply. The application conflicts with the housing supply policies - Policies ADPP1, ADPP6 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026. The proposal does not fall within any of the defined exceptions to the presumption against new residential development outside of the settlement boundaries, where only appropriate limited development is allowed. In this case the housing supply policies of the development plan attract compelling weight, and the modest benefits of the proposal do not outweigh this conflict with policy.

2. Due to the lack of an up-to-date Ecological Report and Bat Survey Report, it is not possible to accurately (and with any level of certainty) assess that the impact on identified Brown Long Eared bat (*Plecotus auritus*) and the Common Pipistrelle (*Pipistrellus pipistrelles*) would be at the same level as stated in the out-of-date (September 2016) reports and that the roosts are still day roosts. As such, the Council cannot undertake its duty to have regard to the conservation of biodiversity as required by natural Environment and Rural Communities Act of 2006. The proposal scheme is also contrary to Core Strategy policy CS17.
3. The proposed development of three dwellings and associated work units would not meet any identified need for additional housing or business units in the countryside or provide any significant benefit to the local rural economy such as would justify an exception to policy on development in the countryside. No sequential test has been submitted to prove a need for a town centre use in the countryside. The above is contrary to the roles of sustainable development defined in the National Planning Policy Framework 2019 and the requirements of Policy ADPP1 and CS1 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and C1 of the Housing Sites Allocation DPD (2006-2026) 2017, which state that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

### **(4) Application No. & Parish: 19/00713/COMIND Bere Court Farm Bungalow, Bere Court, Pangbourne, Reading RG8 8HT**

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 19/00713/COMIND in respect of a Section 73A application for the variation of condition 2: approved plans of planning permission 16/01419/COMIND.

David Pearson (Development Control Team Leader) introduced the report. He explained that the applicant was seeking to regularise the constructed building by removing some of the unauthorised development to a level that could be acceptable to the Council. The update report provided an updated version of the dimensions table and this showed that the appellant proposed to complete the building as originally approved, except for the height which would increase by 0.3 metres from the original approval. For clarity, it was confirmed that the proposed height would be unchanged from the unauthorised development, i.e. 5.9 metres.

Officers' recommendation was to grant conditional planning permission.

The update report also made reference to a request from the applicant for condition one to be amended which would extend the timeframe for completing the work from six

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months to nine months. The Officer view was that six months was a reasonable time for the completion of the work.

In accordance with the Council's Constitution, Mr John Higgs, Parish Council representative, and Mr Mart Pettitt and Ms Nikki Boughton-Smith, supporters, addressed the Committee on this application.

### **Parish Representation**

Mr Higgs in addressing the Committee raised the following points:

The Parish Council objected to this retrospective application. A retrospective application was refused in 2018 and there was also a separate refusal not referred to in the planning history.

Both the unauthorised development and this proposal were not in accordance with plans approved in 2016. Proposed windows and doors were not shown in the plans, neither was having an upper floor.

Paragraph 5.4 of the Committee report explained that the breach of planning control was referred to Planning Enforcement and the enquiry that followed established that the building had been constructed as a dwelling. A dwelling had not been permitted and the development should be as per the plans.

Mr Higgs queried what guarantee could be given that the development, if approved, would adhere to the plans.

**Supporter Representation** (it was clarified that Mr Pettitt was in fact the agent and Ms Boughton-Smith the partner of the applicant)

Mr Pettitt in addressing the Committee raised the following points:

The conditions of the August 2016 permission had been discharged, with the exception that the development had not been built in accordance with the approved plans. This application was to regularise the constructed building and make it acceptable to the Council.

Subject to approval of this application, the build would be in accordance with plans. The building would not be used as a dwelling, the need remained for the new stable block and farm machinery store.

The applicant was content with the conditions recommended by officers and the accompanying restrictions on the building's use. The required alterations to the building would be completed within the prescribed timeframe.

No letters of objection had been received to this application and approval was sought as recommended by Officers.

### **Member Questions to Supporters**

Councillor Jeremy Cottam queried the machinery that would be stored. Ms Boughton-Smith explained that this was a number of tractors and equipment which were ancillary to the garden and the growth of vegetables.

Councillor Graham Pask queried the reference made by the Parish to other refused applications on the site. Ms Boughton-Smith advised that many different scenarios had been considered for the site over time. Mr Pettitt reiterated the point that this application would regularise the development and the applicant was willing to make the necessary changes to the constructed building so that it accorded with plans.

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Councillor Alan Law sought confirmation that as the upper floor was not included in the plans it would be removed. Ms Boughton-Smith confirmed this. Mr Pettitt stated that the development would be in accordance with the plans.

Councillor Geoff Mayes queried the ability to complete the work within six months. Ms Boughton-Smith advised that this would be difficult, but would be adhered to. She explained that an extension to nine months had been sought as the build of a new house (a separate planning permission) was about to commence. The extension would have avoided the two developments running concurrently.

### **Member Questions to Officers**

Councillor Pask queried why the full planning history was not detailed in the report. Mr Pearson explained that only the relevant history had been included, i.e. in relation to the original consent in 2016 and subsequent variations.

Mr Pearson clarified that the application, if approved, would result in the build being completed in accordance with the approved plans for a single storey building, with all works to be completed within six months. Enforcement Officers would be asked to inspect the building to ensure this was adhered to.

### **Debate**

Councillor Tony Linden proposed approval of Officers' recommendation to grant planning permission subject to conditions. This was seconded by Councillor Geoff Mayes.

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

### **Conditions**

#### **1. Amendment time limit**

The approved amendments to the constructed stable building hereby permitted shall be carried out within 6 months from the date of this permission.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 should it not be started within a reasonable time.

#### **2. Approved plans**

The development hereby approved shall be completed in accordance with drawing Nos. 03 and E01 REVISION 01 received on 11 July 2019.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### **3. Materials**

The materials to be used in this development shall be as specified on the plans or the application forms. No other materials shall be used unless prior permission in writing has been obtained from the Local Planning Authority in respect of a planning application.

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Reason: In the interests of amenity in accordance with the National Planning Policy Framework, Policy CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **4. External lighting**

The external lighting used in the development shall be in accordance with the approved external lighting details approved under discharge of condition application 16/02699/COND1. There shall be no further external lighting to that approved with the permitted condition discharge application unless permission has been granted by the local planning authority in respect of a planning application.

Reason: In the interests of visual amenity and to protect the dark night skies character of the AONB. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

### **5. Private recreational equestrian purposes**

Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) and any subsequent revision, the application site area and development permitted, shall only be used for private recreational equestrian purposes and shall not be used for any other purpose including commercial riding, liveries, breeding or training or any other non-equestrian use.

Reason: A commercial/business use may not be appropriate for this site. This condition is imposed in accordance with the National Planning Policy Framework and Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **6. Spoil removal**

The spoil removal from the site shall be completed in accordance with the approved spoil removal details approved under discharge of condition application 16/02699/COND1. All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **7. No additional floor space including a Mezzanine floor**

Notwithstanding the provisions of either the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order, with or without modification) and the Town and Country Planning (Use Classes) Order 2015 (as amended) and any subsequent revision, there shall be no

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internal or external alterations including any mezzanine flooring to increase the floor space of the building, without the permission of the local planning authority in respect of a planning application.

Reason: To retain control over the uses on the site and their intensification, particularly having regard to the limited parking space available and to enable these matters to be assessed against the policies of the development plan. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS5, CS13 and CS14 of the West Berkshire Core Strategy (2006- 2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **15. Site Visits**

A date of 21 August 2019 at 9.30am was agreed for site visits if necessary (held in the morning on this occasion due to District Planning Committee being held in the evening). This was in advance of the next Eastern Area Planning Committee scheduled for 28 August 2019.

*(The meeting commenced at 6.30pm and closed at 9.30pm)*

**CHAIRMAN** .....

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