

WS Planning and Architecture
Spencer Copping
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Bancroft Road
Reigate
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Applicant:
Tammy Black and James
Tombs

PART I - DETAILS OF APPLICATION

Date of Application

4th January 2019

Application No.

19/00031/FUL

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

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

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

PART II - DECISION

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

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

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

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

Reason: The Council considers that any increase in the number of caravans/ mobile homes/ day rooms on the site may amount to an overdevelopment. This would be contrary to policy CS7 of the WBCS of 2006 to 2026.

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

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

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

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

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

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

6. The site hereby permitted shall not be occupied at any time other than by gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites /MHCLG].

Reason. The special reasons for permitting this use must persist on site in accord with policy CS7 in the WBCS of 2006 to 2026.

7. No commercial use or activities shall take place on the red line application site at any time. Including the storage of any materials .In addition no vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site.

Reason. The site lies adjacent dwellings--to introduce a B2/ B8 use next to such a site would be harmful to amenity and not in accord with the advice in the NPPF of 2019.

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

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

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

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

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

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

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

These details shall:

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

Once approved by the Council, these sustainable drainage measures shall be implemented in accordance with the approved details within a further 3 months of the date of that approval. The sustainable drainage measures shall be maintained in the approved condition thereafter.

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

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

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

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

Reason. To ensure the site will not impact valued infrastructure in accord with policy CS5 in the WBCS of 2006 to 2026.

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

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

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

Reason. To ensure no overdevelopment of the site and to restrict new dwellings in the rural areas in accord with policy C1 in the West Berkshire Council Housing Site Allocations DPD 2017.

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

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

INFORMATIVE:

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

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

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

Decision Date: - 30th August 2019



Gary Lugg
Head of Development and Planning

TOWN AND COUNTRY PLANNING ACT 1990

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

Appeals to the Secretary of State

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

Purchase Notices

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