

# Notice of Meeting



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## Eastern Area Planning Committee Wednesday 16 January 2019 at 6.30pm in the Calcot Centre, Highview (off Royal Avenue), Calcot

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday 8 January 2019

### FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Calcot Centre between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 16 January 2019**  
*(continued)*

Any queries relating to the Committee should be directed to Stephen Chard on (01635) 519462  
Email: [stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk)

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 16 January 2019**  
(continued)

**To:** Councillors Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Emma Webster

**Substitutes:** Councillors Rob Denton-Powell, Lee Dillon, Sheila Ellison, Tony Linden, Mollie Lock and Quentin Webb

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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting.
  2. **Minutes** 5 - 12  
To approve as a correct record the Minutes of the meeting of this Committee held on 19 December 2018.
  3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)*
- (1) **Application No. & Parish: 17/00186/COMIND - The Grotto, Lower Basildon** 13 - 66
- Proposal:** Conversion and refurbishment of existing listed residential building into 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses.



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 16 January 2019**  
(continued)

- Location:** The Grotto, Lower Basildon, Reading
- Applicant:** SUSD Goring Ltd
- Recommendation:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions, and the completion of a Section 106 Legal Agreement within 3 months of the date of this committee, or a longer period of time agreed in consultation with the Chairman/Vice Chairman and Ward Member, authorised by the Head of Development and Planning.
- Or, if the S106 legal agreement is not completed, to delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION.**

**Items for Information**

5. **Appeal Decisions relating to Eastern Area Planning** 67 - 68  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.*

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day  
Head of Strategic Support

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

## 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, 19 DECEMBER 2018**

**Councillors Present:** Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Tony Linden (Substitute) (In place of Peter Argyle), Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Emma Webster

**Also Present:** Jessica Bailiss (Policy Officer (Executive Support)) and David Pearson (Development Control Team Leader)

**Apologies for inability to attend the meeting:** Councillor Peter Argyle and Councillor Alan Macro

#### **PART I**

##### **41. Minutes**

The Minutes of the meeting held on 28<sup>th</sup> November 2018 were approved as a true and correct record and signed by the Chairman.

##### **42. Declarations of Interest**

There were no declarations of interest received.

##### **43. Schedule of Planning Applications**

###### **(1) Application No. & Parish: 17/00186/COMIND - The Grotto, Lower Basildon, Reading**

Agenda Item 4(1)) concerning Planning Application 17/00186/COMIND in respect of the conversion and refurbishment of existing listed residential building into a 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses, was deferred for consideration at a later Committee meeting.

###### **(2) Application No. & Parish: 18/02512/HOUSE - Pightles, Tutts Clump, Reading**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/02512/HOUSE in respect of a two-bay garage to front of property (Section 73 application to vary Condition 1 of Planning Permission 17/01646/HOUSE).

David Pearson introduced the report to Members' of the Committee, which recommended conditional approval, and ran through the key points. He referred to the update sheet and stated that there was an error under section two. It stated that the existing house had four bedrooms and with the approved extensions this would reduce to three bedrooms. David Pearson clarified that the existing house had four bedrooms and with the approved extensions this would increase to five bedrooms.

David Pearson also drew Members attention to section three on the update sheet, which answered questions that had been raised by Members at the site visit regarding solar

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panels. It confirmed that there could be solar panels placed on the roof subject to compliance with the requirements of permitted development rights under the General Permitted Development Order.

In accordance with the Council's Constitution, Mr Andrew House, Parish Council representative, Mr Chris Marsh, agent, and Councillor Quentin Webb, Ward Member, addressed the Committee on this application.

### **Parish Council Representation**

Mr House in addressing the Committee raised the following points:

- He was the Chairman of Bradfield Parish Council and was representing the views of the Parish Council, which objected to the planning application.
- The site was located within the Area of Outstanding Natural Beauty (AONB). Other properties nearby were served by good road frontages.
- There had been numerous planning applications submitted for the site dating back to 2015. The planning application being considered currently was the seventh planning application. The planning application submitted in 2015 had included a proposal to convert the upstairs area within the garage to a family room.
- The Parish Council had objected to a proposal for a two storey building that included a three bay garage as it would face the road and was located within the countryside. The Parish Council had objected to that previous application due to the impact that would be caused. A revised application had then been submitted which reduced the size of the loft area. This had also been refused and therefore a new proposal was submitted that reduced the ridge height of the building down to 3.9 metres.
- It had been proposed that the garage area would need to allow room for two four by four vehicles however, the current car port would not allow for this. A partition had also been erected, which would inhibit use as a garage for car storage.
- The Parish Council felt that the application posed a risk and that West Berkshire Council needed to consider refusing retrospective planning permission for the site.
- The Parish Council felt challenged by the application as in essence a garage was being changed into accommodation.
- Mr House was sceptical as to whether there had ever been any intention to use the building as a garage. It was felt that any variance in the current conditions was unreasonable and would risk there being a new dwelling in the countryside.

### **Questions from Members**

Councillor Graham Bridgman commented that virtually all of the comments made by Mr House related to the fact of the building and that Members were only due to consider the use of the building. Councillor Bridgman stated that the building already had planning permission and Members needed to consider what it could be used for.

Councillor Bridgman referred to Mr House's comment regarding a new dwelling in the countryside and sympathised with the frustrations voiced by the Parish Council. However Members were faced with a building that already had planning permission and therefore could not consider the position or size of the house, only the use.

Mr House felt that a garage building should be used solely as a garage. He was concerned that only one of the two doors could be used and three quarters of the floor

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space could not be used to store a car. In his view the garage should be used a garage facility and not a habitable area.

Councillor Alan Law queried the conditions and stated that the wording 'ancillary to residential dwelling' was normally used. He felt that the wording of the conditions seemed to be very precise and queried why such a restrictive approach had been used. Mr House stated that the Parish Council had requested that formalities be put in place to ensure the loft space within the garage could not be converted into an annex. In the past wording of conditions had not been tight enough and had resulted in conversions occurring.

Councillor Law asked why the Parish Council was against the area being used as a bedroom if it was ancillary to the main house. Mr House stated that the Parish Council was concerned about the house increasing to five bedrooms. Councillor Law asked what the issue was with a five bedrooomed house and Mr House stated that if the ancillary building became an annex the Parish Council were concerned regarding its use. It was important that the use of the building was connected to the main residency. Councillor Law commented that this was not necessarily important in planning terms.

### **Agent Representation**

Mr Marsh in addressing the Committee raised the following points:

- Planning Officers were recommending that the planning application be approved. A very comprehensive report had been provided by Officers.
- It was not an application for separate residential use but rather to bring the condition in question in line with the use of the main building.
- Leaving the condition as worded could cause issues for owners when wishing to sell or re-mortgage the property.
- A variance in the condition would allow the tenants to use the area for other means, such as a games room, none of which would be detrimental to amenity.
- Parking on the site would remain ample if the application was approved.
- There would be no material implications if the condition was to be revised.
- Regarding a change of use, for example to a business operation, this would require judgement as to whether or not planning permission would be required. Mr Marsh stated that this was not something that the occupants desired to do. Ancillary use would be enforced by the Local Authority.
- It was suggested through conditions that Permitted Development Rights be removed for windows on the outbuilding and no objection had been raised to this by the applicant.
- Mr Marsh asked Members to follow the recommendation made by Officers to approve the application.

### **Questions from Members**

Councillor Alan Law asked for clarification regarding the conditions. A request was being made to vary condition one however, he was surprised that the same was not being requested for condition five, as the two conditions would conflict with each other. Mr Marsh stated that with a standard section 73 application, it allowed the Local Authority to look at the substance of the conditions and vary if they wished. Councillor Law was aware of this point however, was still confused as to why no request had been made to change condition five. Mr Marsh referred back to it being a section 73 application and that the outcome of the application could alter the substance of all the conditions.

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Councillor Tim Metcalfe noted that permission had been given for a garage with two bays for the storage of two vehicles and this would now be restricted to one vehicle. He noted that conditions had not been varied to say that the garage could not be used for two vehicles. Mr Marsh stated that the application did not involve particular configurations of the building. Councillor Metcalfe referred to the upstairs area of the building and queried if this could be rented out, as it would be a very feasible option. Mr Marsh commented that Officers would be best placed to answer this question however, it was a matter of planning judgement. A matter of change of use could be subject to enforcement action if the necessary process was not followed correctly.

### **Ward Member Representation**

Councillor Quentin Webb in addressing the Committee raised the following points:

- Planning issues were not being questioned through the application. In essence what was for consideration were conditional changes to a luxury garage facility.
- He was concerned regarding the number of changes that had been requested over the history of the site and stated that he would rather retain the original conditions. He saw no reason to vary the condition and was concerned that further changes on the site could take place if the application was approved.

### **Questions from Members**

Councillor Emma Webster queried why it mattered if the building was used as a garage. Councillor Webb stated that the property was served by a light use road and to approve the application could result in an increased number of bedrooms. In his view parking and turning room were sufficient for the property along with access to the road.

Councillor Richard Crumly asked Councillor Webb if he was concerned about the building being used as a separate dwelling or business. Councillor Webb stated that this was not a planning consideration for the Committee that evening and the conditions were all that should be considered.

### **Member Questions to Officers**

Councillor Bridgman referred to the point made by Councillor Metcalfe and drew Members attention to page 85 of the agenda pack. Under section 6.2.6, point 2, where it stated that the introduction of a separate commercial use within the building was a potential adverse impact typically capable of arising from the use of any residential outbuilding. Councillor Bridgman referred to the possibility of using the outbuilding for Bed and Breakfast purposes, a rented out room or a separate annex. He asked the Officer, if the application was approved, if the owner could use the building for the above purposes and how far they could go in renting out part or all of the building.

David Pearson stated that when there was a possible change to a new or mixed use, there was a large amount of case law to consider. Letting out the room to a lodger would not be considered a change of use. However if three rooms were let out then it would be questioned if this use was becoming more dominant than the original domestic use of the house. It was about scale, degree and the nature of the use. There was no evidence however, to suggest that the garage area would be used as anything other than for ancillary purposes. There was no condition currently restricting use of the ground floor area to a garage facility and currently there was nothing to suggest that a change of use was intended. David Pearson stated that with these points taken into account there would be a risk of losing at appeal if Members were minded to refuse the application.

Councillor Bridgman noted that the building currently had a staircase that took up one sixth of the first floor along with a toilet room. He asked if there was anything contained within the planning history that might suggest further works could take place upstairs, for



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example the installation of a bathroom. David Pearson stated that if the applicant wished to turn the upstairs area into a gym with an adjoining bathroom, they would not require planning permission to do so.

Councillor Pamela Bale struggled to see the point in applying for planning permission if no changes were required to the building. David Pearson stated that an applicant could apply to vary conditions if they felt that they were too onerous. Officers had reviewed the site and given that the building was so close to the main building, it was felt that the risk of selling the outbuilding separately was very low. However the risk of being taken to appeal if the variation was refused, was very high. Case law for similar cases was mixed in terms of success at appeal.

Councillor Bale felt that the most appropriate time to vary the condition in question would have been in 2017, when a variation on conditions two, three and four was requested. David Pearson stated that at that time the applicant might have been satisfied with condition one.

Councillor Law asked for clarification regarding the word 'ancillary' and questioned what uses were deemed acceptable regarding ancillary to residential use. David Pearson stated that case law was varied and suggested that a fully functioning annex with amenities would be acceptable in some cases but not in others. Councillor Law recalled that there was often a statement included within conditions that ensured an outbuilding could not be sold separately unless planning permission was obtained. David Pearson stated that this was normally used if there was a larger separation between a dwelling and an outbuilding and it was possible to create a separate curtilage. David Pearson felt that this was not the circumstance in this case.

Councillor Keith Chopping queried if the application was approved, if the ground floor could be converted into living accommodation. David Pearson confirmed that it could be however, if it was used as a separate dwelling to the main dwelling then planning permission would be required.

Councillor Chopping further questioned if the owner wanted to convert the garage to living space and then sell the building, if planning permission would be required. David Pearson confirmed that planning permission would need to be sought, unless the situation went undetected for four years, in which case a certificate of lawful use might be sought..

Councillor Crumly agreed with Officers that it was unlikely that the building would be separated from the main dwelling and sold. However if the situation did occur, there would be a new separate dwelling in the countryside. Councillor Crumly asked if it was within Members' jurisdiction to add an additional condition to prevent this from happening. David Pearson stated that in his personal opinion this was not required for the application being considered however, it could be added at Members' request. If the applicant felt it was inappropriate it was possible that they might appeal the decision.

Councillor Bridgman asked if there was any understanding of what the building was used for at that time and if there was any form of human habitation. David Pearson was of the understanding that the building was currently used for recreational purposes. However under the current conditions, if a bed was placed within the building it would go against the conditions. If condition one was varied the building could be used for a bedroom or as an annex.

### **Debate**

Councillor Law noted that the concerns raised were about process and planning by degree. In his opinion the building was ancillary. He stated that he would however, like to tighten up the conditions to ensure the outbuilding could not be sold separately. With this

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in mind Councillor Law proposed that Members approve the application in line with the Officer recommendation. Councillor Tony Linden seconded this proposal.

Councillor Webster concurred with Councillor Law. Given the commitment of the Parish Council, she felt assured that if any use deemed to be inappropriate was taking place within the building, this would be flagged up to the Local Authority and enforcement action could be taken. Section 73 applications involved a huge amount of work. The removal of permitted rights had been sufficiently dealt with through conditions and would ensure that windows could not be constructed on the southern elevation or roof slope of the garage building. In Councillor Webster's view this removed the risk of the building being used for bed and breakfast purposes. Councillor Webster was therefore minded to support the application.

David Pearson explained that wording could be added to ensure the outbuilding was not sold separately and the applicant could then take the decision on whether to appeal this or not.

Councillor Bridgman wished to ask the Officer a further question. He noted that the removal of permitted development rights would ensure that windows could not be constructed on the southern elevation or roof slope of the garage building however, asked what the applicant could do in relation to permitted development rights to the front of the building. David Pearson confirmed that this would fall under normal permitted development rights however, because the site was within the AONB these would be very strict. Councillor Bridgman further asked if planning permission would be required if the applicant wished to change a window or door to the front of the building. David Pearson stated that he would need to check this point at a later stage.

Councillor Richard Somner felt that thought needed to be given to revised wording as the building was being referred to as a garage when it might not be used for this purpose. Councillor Law suggested that it be called an ancillary building. Councillor Somner concurred with Councillor Law.

David Pearson suggested that rather than an additional condition to ensure the building was not sold separately, that this be included at the end of condition one. Councillor Law suggested that the wording be as follows 'the ancillary building cannot be sold separately to the residential building'.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Law and seconded by Councillor Linden and 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:

### 1. Ancillary use

The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Pightles. The building shall not be sold or otherwise separately disposed of from the dwelling known as the Pightles.

Reason: To limit the future use of the building to prevent uses which would not be ancillary to the main dwelling. This condition is applied in the interests of ensuring a sustainable pattern of development, and safeguarding neighbouring and local amenity. This condition is applied in accordance with Policies ADPP1, ADPP5, CS1, CS13, CS14, CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and

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C6 of the Housing Site Allocations DPD 2006-2026, and WBC House Extensions SPG (2004).

**2. Removal of permitted development rights for windows on outbuilding**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/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 on the southern elevation or roof slope of the garage building hereby permitted, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent property, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

**INFORMATIVES**

**1. Proactive actions of the LPA**

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Granted planning permission for a less onerous condition whilst ensure sufficient safeguards are retained for protecting local amenity and maintaining a sustainable pattern of development.

**44. Appeal Decisions relating to Eastern Area Planning**

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

*(The meeting commenced at 6.30pm and closed at 7.26pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location, Applicant
(1)	17/00186/COMIND Basildon	4 <sup>th</sup> May 2017 <sup>1</sup>	Conversion and refurbishment of existing listed residential building into 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses.  The Grotto, Lower Basildon, Reading  SUSD Goring Ltd

<sup>1</sup> Extension of time agreed with applicant until 16<sup>th</sup> April 2019

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=17/00186/COMIND>

**Recommendation Summary:**

To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions, and the completion of a Section 106 Legal Agreement within 3 months of the date of this committee, or a longer period of time agreed in consultation with the Chairman/Vice Chairman and Ward Member, authorised by the Head of Development and Planning .

**Or**, if the S106 legal agreement is not completed, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION**.

**Ward Member:**

Councillor Alan Law

**Reason for Committee Determination:**

Referred by Development Control Manager due to the complex policy issues raised by this application

**Committee Site Visit:**

12<sup>th</sup> December 2018

**Contact Officer Details**

**Name:** Cheryl Willett  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** cheryl.willett@westberks.gov.uk

## **1. INTRODUCTION**

- 1.1 This application seeks full permission for the conversion and refurbishment of the Grotto, a Grade II listed residential building into a 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool, boathouse, refurbished tennis court, and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses.

## **2. PLANNING HISTORY**

02/01055/LBC: Replace existing septic tank with new sewage treatment plant. Application was determined not to be required.

10/00490/HOUSE: Demolition of existing garage block and store rooms. Erection of new garage block over two storeys to provide covered parking for thirteen cars associated with the Grotto House. Approved 07.12.2011

10/00493/HOUSE: New boat house with changing rooms at first level. Application withdrawn.

10/00498/FUL: Change of use from restricted B1(office) to C3(dwelling) – retrospective. Approved 18.06.2010.

10/00503/HOUSE: Partial demolition and restoration of existing dwelling house. New build extensions to provide indoor swimming pool, entrance hall, bedrooms, reception, conservatory, entrance porch and extension to study and bedroom. Internal alterations to remove office interior to create new living space associated with a new dwelling, new external terraces and tennis court. Approved 23.12.2011.

10/00504/LBC2: Partial demolition and restoration of existing dwelling house. New build extensions to provide indoor swimming pool, entrance hall, bedrooms, reception, conservatory, entrance porch and extension to study and bedroom. Internal alterations to remove office interior to create new living space associated with a new dwelling, new external terraces and tennis court. Approved 23.12.2011.

11/01557/HOUSE: New boathouse with changing rooms and wc/shower. Approved 09.01.2012.

12/01743/FUL: Demolition of existing single storey three bedroom dwelling and erection of new two storey, three bedroom dwelling. Approved 07.09.2012.

14/03080/LBC2: Partial demolition and restoration of existing dwelling house. New build extensions to provide indoor swimming pool, entrance hall, bedrooms, reception, conservatory, entrance porch and extension to study and bedroom. Internal alterations to create new living space associated with a dwelling, new external terraces. Approved 02.02.2015.

14/03081/FULMAJ: Partial demolition and restoration of existing dwelling house. New build extensions to provide indoor swimming pool, entrance hall, bedrooms, reception, conservatory, entrance porch and extension to study and bedroom. Internal alterations to create new living space associated with a dwelling, new external terraces. Approved 09.03.2015.

16/03466/SCREEN: EIA Screening Request. EIA not required. 11.01.2017.

17/00187/LBC2: Conversion and refurbishment of existing listed residential building into 53 bedroom boutique hotel and private members club including Coach House extension, detached spa facility with outdoor swimming pool and enabling development in the form of 6 detached lodge units and 2 x 4 bedroom family houses. Pending consideration.

### 3. PUBLICITY

- 3.1 The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015. This has involved the display of site notices, and a press notice being displayed in the Newbury Weekly News.
- 3.2 Following the receipt of amended plans a further site notice and press notice was displayed to advise that the proposal represented a departure from the development plan. The two new dwellings in particular do not comply with the policies of the Core Strategy (although the NPPF makes provisions for this type of development). The site notice expired on 17<sup>th</sup> December 2018 and the press notice expired on 13<sup>th</sup> December 2018. Neighbours were notified of the amended plans, and given the standard reconsultation time of two weeks. This expired on 6<sup>th</sup> December 2018.
- 3.3 It is understood that the applicants undertook a public consultation exercise prior to the submission of the planning application. This is not mandatory, but is encouraged.

### 4. CONSULTATION

#### 4.1 Statutory and Non-Statutory Consultations

**Basildon Parish Council:** no objections. The Council noted the following:

1. WBC should ensure that trees on the site are protected as far as possible to screen the site with appropriate TPO's being raised.
2. All lighting should be both considerate (given other properties in the area) and ensure that dark skies are adhered to as far as possible.
3. Access to and from the site should be carefully considered given the extra traffic likely to be generated.
4. The proposal should ensure that the historical nature of the site is preserved (and enhanced) as far as possible.

**Streatley Parish Council:** In the broader context of development in an AONB, Council would voice concerns over the visual impact of the additional buildings from the river, the towpath and the railway line, all viewpoints from which travellers and visitors can enjoy this rural vista. The development would appear to be in conflict with WBC's policy of no new building outside of existing settlement boundaries.

Council objects to the two proposed residential houses on the above grounds.

In response to amended plans, no new comments are raised in relation to the above.

**Goring Parish Council:** They noted the existing building is Grade II Listed and that it lies within North Wessex Downs AONB and borders the Chilterns AONB. For fifty years it was used for offices and education. Cllrs understand the building has been empty since it was vacated by ILAM several years ago and now appears to be in a state of disrepair and is at risk of further dereliction. It is visible from the Gatehampton part of Goring-on-Thames, which is designated as a Conservation Area; indeed, it is highly visible from the path and fields along the river bank on the Goring side as well as the from the river itself.

Cllrs agreed that they were pleased to see that a new use was being proposed for the building, however they had some concerns over the viability of the proposal to turn the premises into a boutique hotel and the consequences if these concerns were subsequently proved. Cllrs noted that the Springs Hotel not far away at North Stoke had recently closed and is due to be converted into flats. There are a number of other hotels nearby, e.g. The Swan at Streatley

(also having a riverside location) and the Miller of Mansfield at Goring. However, both of these thrive through diversification, with busy high quality restaurants that are open to the public, i.e. their facilities are also for use by non-residents. Cllrs thought the desirability and wider implications of this possibility should also be under consideration.

Cllrs had serious reservations about the appearance of the extensions to the main building from the Goring side of the river, as well as the other proposed new buildings. They thought the design appeared to differ considerably in each section from the plans and as a whole it appeared uncoordinated and incoherent. Specifically, it comprises of the New Coach House (unpainted brick), a new glazed link; a proposed additional bay, the restored grotto (white painted brickwork) with additional embellishments, e.g. (high level) fully glazed conservatory and the proposed new spa building (grey timber cladding). Also, facing the river there is a proposed new boat house with materials currently unspecified. Cllrs could not readily envisage the appearance of the development as a whole and how the design would look overall. For a project of this sensitivity and size and given the scale of proposed new buildings, they thought it reasonable to expect that further information be supplied, e.g. coloured plans and elevations, 3 dimensional drawings (preferably photomontages) or even a model to allow for a proper assessment of the visual impact of the scheme.

**South Oxfordshire District Council:** No further comments to add (originally commented that the proposals are not of a scale to require input from SODC).

**North Wessex Downs AONB Board:** No response.

**Chilterns AONB Board:** No response.

**Planning Policy:** Sets out the key planning policies (as outlined in the committee report).

**Historic England:** Initial concerns with the scheme, as the houses, lodges and extensions would be harmful to the setting of the listed building, and had not been sufficiently justified. The enabling development case raised questions. Following the testing of the enabling development case with the Council's consultant and receipt of amended plans the amount of harm is reduced there would still be a degree of harm to the significance of the listed building. It is recognised that the property is in poor condition and extensive repairs, along with a new use, are needed. Engagement with specialist advisors and seeking of amended plans has concluded that the scale of development is necessary, and the form of the two houses minimises their impact on the approach to the Grotto. The harm to the significance of the listed building has been clearly and convincingly justified, and is necessary if the building is to be conserved.

**Conservation:** Agree with comments made by Historic England. Retention and enhancement of landscaping will be of key importance.

**Trees:** No objections, subject to conditions. The tree survey and the arboricultural impact assessment is a fair reflection of the trees at the site and the condition of the trees. The trees are of good quality, but as they have low visual amenity it would be difficult to request their retention, especially given the possibility of mitigation planting. Conditions can require further information such as tree protection and construction precautions.

**Highways:** Initial concerns with the setting out of the car parking spaces, and visibility splays to the A329. Following amended plans and the addendum note to the transport assessment these concerns have been overcome. Conditions and S278 legal agreement to secure the works.



**Transport policy:** Site not readily accessible, and options for sustainable transport to and from the site are limited. Pro-active measures should be adopted, and these can be secured through a travel plan.

**Archaeology:** There is potential for archaeological remains. No archaeological fieldwork has been undertaken. Ground disturbance that will occur during the construction of the lodge units and family homes and related groundworks deserves archaeological supervision, to ensure that any below ground remains are recorded. A condition is recommended.

In response to the amended plans the above recommendation for a watching brief still stands.

**CPRE:** General support the restoration of the listed building, though concerns, as follows:

1) This involve building two large houses in a large part of the grounds for sale, and seven dwellings on the hillside amongst the trees above the house, both of which would never normally be allowed under WBC or AONB national policy. They would have significant landscape impact on views from South Oxon side of the river. Both LAs have over the years kept the famous Goring Gap stretch of the Thames valley free of new development outside of settlements and this should continue.

2) The costings raise concerns as to their validity. We ask if the reported sale efforts are valid: the costings tables give £5M acquisition cost but local information (which we are unable to verify) suggests the property was advertised at £8M whereas the original purchase was for £2M.

3) Overall if the plan is for a 'hotel-like' extension in the countryside for a London Club, the development and permissions should be staged - initially for the restoration and use and only if viable allow the 25 bed major extension and other development to help fund the work.

**Berkshire Gardens Trust:** Objection to the two houses, as they would change this sensitive landscape. The site was designed with a long drive to The Grotto and the proposed reinstatement of the historic circulation route is welcome. Car parking and the new homes would severely disrupt this experience. Should enabling development be supported there could be support given in principle for the lodges. It is unlikely that they would visually interrupt the views of coming across the house. No objections to the boathouse. No objections to the use of the Studio for hotel facilities.

**West Berkshire Economic Development:** The proposed development will contribute the following to the local economy during the construction period and in the operational phase, through additional employment, income through visitor expenditure, and income through business rates. The proposal is in accordance with the West Berkshire Economic Development Strategy 2013-2018 (in the process of being updated) by:

1. Work with partners to ensure that local skills meet the needs of today's business and work environments.
2. Promote West Berkshire as a desirable location for combining business, leisure, learning and life.
3. Become more business friendly and encourage new investment and business retention across all sectors

These are found in the West Berkshire Economic Development Strategy 2013-2018.

**Environmental Health:** Land contamination, light, noise, and demolition construction activities have been highlighted as the environmental health issues relevant to planning. It has since been confirmed that an old pit, previously identified by officers, is not present on site. Therefore, the response has been amended to recommend an 'unforeseen contamination' condition. Any floodlighting on site should be approved by the LPA to ensure it is designed to minimise any impacts on neighbours. The Noise Assessment details that traffic noise generated by the development is unlikely to impact on neighbours; that suggested

design criteria for buildings and external amenity spaces to make sure internal and external standards for noise are not compromised; and that suggested design criteria for new plant services to make sure noise from the plant does not impact on the amenity of future/neighbouring residents. Demolition and contraction activities should be controlled to minimise impacts on neighbours. Conditions suggested in respect of the above points.

**Ecology:** The loss of the improved meadow grassland will need to be mitigated. Conditions should be applied in this respect.

**Natural England:** No objections. Protected landscapes, the national trail, protected species, local sites, and biodiversity enhancements should be considered. No further comments to make on amended plans.

**Environment Agency:** No response.

**West Berkshire Lead Local Flood Authority:** No response.

**Canal and River Trust:** No requirement for consultation.

**Waste management:** With regard to the residential properties the refuse and recycling will need to be presented at a collection point on the public highway (the spur road) to be determined upon occupation of the domestic properties by permanent householders. Waste from the hotel, lodges, club and spa is commercial for which separate commercial waste collections will be required.

**Thames Water:** No objections. It is the developer's responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. Recommend the installation of a properly maintained fat trap on all catering establishments, and for fats, oils and grease to be collected by a contractor. Petrol/oil interceptors shall be fitted in all car parking/washing/repair facilities. Foul water for this development is not draining into Thames Water assets, as a septic tank is present. Studies will be required to show that the proposal can meet the water demands generated by the development.

**Housing:** No comments to make.

## 4.2 Public Representations

Two representations have been received in relation to the application for Listed Building Consent (17/00187/LBC2). The comments made are more relevant to the full application, and therefore have been noted below.

Total 8. 2 Support. 5 Objections. 1 representation (support and object to varying elements)

Support (including from local historian):

- Details the history of the Grotto;
- Considers the history to be more important than the architecture in this case;
- The Oval room may be the original shell room, and the shell work may have been plastered over rather than removed, and it may be possible to reveal such works;
- An aim of the development is to achieve a publicly accessible building providing an amenity for the local community, whilst preserving a heritage asset;
- Capacity for another river-side hotel, as little river-side hotel in this section of the Thames Valley;

- Provide additional amenity to residents, as only one public house exists in Upper Basildon;
- Two houses will generate value to underpin the development;
- The hotel extension will make a statement;
- No adverse impacts on traffic with the improvements made;
- Ultimately secure the long term future of the Grotto.
- Support to save the building from further deterioration;
- Pleased that the amended application is for one less lodge, and that the footprints and height of the houses has been reduced, thus reducing the impact.

#### Representation:

- Support the conversion, which would enhance the riverside;
- Riverside views need to be maintained, and development should not be detrimental to that;
- Planners should ensure that development is well screened. The extensions are out of keeping;
- Concern about local wildlife. Area devoid from human activity allowing animals to roam the site. Area is quite tranquil;
- Agree with other comments that noise from weddings and events may change this tranquillity;
- Fireworks should be forbidden, and music kept at a discrete level;
- The noise report should have taken account of Network Rail's night-time working;
- Dark skies should be preserved.

#### Objections:

- Some stated no objections to the conversion, though objected to the houses and lodges;
- Area already well served by The Swan in Streatley;
- The hotel needs to offer local residents more than The Swan to be able to provide some benefit;
- Hotel in North Stoke has closed and remain closed for years;
- May host weddings in order to survive, which would lead to noise in summer months. Restriction needed on amplified music after 11pm.
- The building has been stripped and left empty, and has been subject to vandalism. The owner has done nothing to prevent this.
- The property has not been seriously marketed (e.g. no 'for sale' board).
- The asking price is not realistic, and too high. Had it been it may have sold as a dwelling.
- Conversion to flats would have been a better option.
- Believe there are other options available for the development.
- The access onto the A329 is dangerous, and residents experience near misses.
- Massive overdevelopment, with the view from the Thames spoilt.
- Local jobs are not guaranteed.
- Additional traffic through Streatley and Goring, on top of traffic for The Swan.
- Adversely impact upon current tranquillity.
- Do not agree with Knight Frank advice.
- Deliberate attempt to vandalise and make ugly this one handsome property.
- Adverse impact on rare local wildlife, including the club tailed dragonfly, otters, bats and barn owls.

## **5. EIA**

- 5.1 An EIA screening opinion was requested from the Council, under application reference 16/03466/SCREEN, for the originally submitted scheme. The Council noted that the proposed development falls within Schedule 2 of the EIA Regulations as it relates to tourism and leisure, and on an area exceeding 0.5 hectares, and is located in a 'sensitive' area (AONB). Having regard to the characteristics of the development, the location, and the characteristics of the potential impact in regard to Schedule 3 of the EIA Regulations, and to the Planning Practice Guidance, it was concluded that the localised nature of the impacts means that they do not amount to 'significant effects' within the meaning of the regulations. The proposal is therefore not EIA development, and therefore EIA is not required. It is not considered that this conclusion has changed, having regard to the information submitted.

## **6. Relevant Planning Policies**

- 6.1 Planning law requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for West Berkshire comprises:
- West Berkshire Core Strategy (2006-2026);
  - Housing Site Allocations Development Plan Document (2006-2026);
  - West Berkshire District Local Plan 1991-2006 (Saved Policies 2007);
  - Replacement Minerals Local Plan for Berkshire (2001);
  - Waste Local Plan for Berkshire (1998);
  - Stratfield Mortimer NDP (2017).
- 6.2 The National Planning Policy Framework (NPPF) was published in July 2018. The Framework sets out Government planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions.
- 6.3 The Planning Practice Guidance (PPG) was published on 6 March 2014. The PPG is a material consideration for all planning decisions. It provides guidance on procedural matters (including planning conditions and obligations), and on numerous material planning considerations.
- 6.4 According to paragraph 48 of the NPPF, due weight should be given to relevant policies in existing plans which pre-date the NPPF according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 6.5 The West Berkshire Core Strategy was adopted on 16 July 2012. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built.
- 6.6 The following policies from the West Berkshire Core Strategy are relevant to this application:
- Area Delivery Plan Policy 1: Spatial Strategy
  - Area Delivery Plan Policy 5: The Area of Outstanding Natural Beauty
  - CS1: Delivering New Homes and Retaining the Housing Stock
  - CS4: Housing Type and Mix

- CS5: Infrastructure Requirements and Delivery
- CS6: Provision of Affordable Housing
- CS9: Location and Type of Business Development
- CS10: Rural Economy
- CS11: Hierarchy of Centres
- CS13: Transport
- CS14: Design Principles
- CS15: Sustainable Construction and Energy Efficiency
- CS16: Flooding
- CS17: Biodiversity and Geodiversity
- CS18: Green Infrastructure
- CS19: Historic Environment and Landscape Character

6.7 The Housing Site Allocations Development Plan Document (HSA DPD) was adopted as part of the statutory development plan in May 2017. The following policies from the HSA DPD are relevant to this development:

- Policy GS1: General Site Policy
- Policy C1: Location of New Housing in the Countryside
- Policy C3: Design of Housing in the Countryside
- Policy C4: Conversion of Existing Redundant Buildings in the Countryside to Residential Use
- Policy P1: Parking Standards and New Residential Development
- P1: Residential Parking for New Development.

6.8 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the development plan following the publication of the Core Strategy and HSA DPD. The following saved policies from the Local Plan are relevant to this development:

- OVS.5: Environmental Nuisance and Pollution Control
- OVS.6: Noise Pollution
- OVS.7: Hazardous Substances
- ENV.19: The Re use and Adaptation of Rural Buildings
- TRANS.1: Meeting the Transport Needs of New Development
- RL.5A: The River Thames

6.9 The following other material considerations that are relevant to this application include:

- Historic England Guidance – Enabling Development and the Conservation of Significant Places (2008)
- Basildon Village Design Statement
- North Wessex Downs AONB Management Plan 2014-2019
- West Berkshire CIL Charging Schedule Adopted March 2014 – Effective from 1st April 2015
- West Berkshire CIL Regulation 123 List
- Manual for Streets (DfT; March 2007)
- Planning Obligations SPD
- Quality Design SPD
- Conservation of Habitat and Species Regulations 2010 (as amended)
- Protection of Badgers Act 1992
- The Wildlife and Countryside Act 1981 (as amended)

- Natural Environment and Rural Communities Act 2006 (NERC)
- Planning for Growth (Ministerial Statement 2011)
- The Community Infrastructure Levy Regulations 2010 (as amended)
- The Local Transport Plan (LTP) 2011 – 2026

## **7. Description of proposals**

7.1 In summary, the proposed development as set out by the applicant consists of the following components:

- 1,440sqm refurbishment and restoration of existing listed building to form boutique hotel and members club and containing 18 hotel bedrooms and suites;
- 1,400sqm extension to the west of the existing building containing 23 hotel bedrooms (Reduction from 28 rooms and 1,600sqm);
- The spa - 340sqm leisure facility;
- 6 No detached lodges containing 12 of the 53 hotel rooms (originally 7 lodges containing 14 of the 60 hotel bedrooms);
- Two detached family homes 415sqm, 4 bedroom (originally 465sqm) and double garages;
- Refurbished tennis court;
- Boathouse with mooring area and changing facility serving tennis court;
- Main car parking area 38 spaces, plus 88 spaces;
- Proposed gated entrance.
- Demolition of parts of the Grotto, outbuilding and Studio building.

7.2 The scheme has been amended since it was originally submitted in January 2017. The number of lodges has been reduced from 7 to 6 (reduction of 2 bedrooms). The two dwellings have been relocated further down the hill, and reduced in size and massing. The coach house extension has been reduced in size, removing the top storey and removal of 5 bedrooms.

7.3 The proposals for the two new houses and the six lodges represents enabling development, to seek to repair and restore the listed building.

## **8. Description of site**

8.1 The Grotto is located between the settlements of Lower Basildon and Streatley, adjacent to the River Thames, and access off a spur road from the A329. The Grotto is a Grade II listed building. The site is currently vacant, with both The Grotto building and the Studio being formerly used as offices. Permission was obtained to convert the Studio into a residential dwelling. The S106 attached to the original permission for the conversion of the Grotto house into offices contained a clause that in the event of the offices vacating the site the building would revert back to residential use (hence the submission of the householder planning applications in 2010 rather than full applications to change the use). There are therefore two residential properties on site. An outbuilding is located between the Studio and the Grotto. The site lies within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. Planning permission to refurbish the Grotto building, build the garage and the boathouse under a residential use expired earlier in 2018.

8.2 The Grotto is not readily visible from the A329, due to the building's distance from the entrance gates and as the land drops down to the river. The views of the site are from across the River Thames, and public footpaths across the valley.

## **9. Consideration**

9.1 Having regard to the relevant planning policies, the nature of the proposal and the site constraints, it appears that the main issues which would need to be considered are:

- Enabling Development;
- Principle of Development:
  - Change of use to hotel, extension, spa, lodges and boathouse
  - Residential development of two dwellings
- Economic Development
- Impact on heritage assets (Listed building and archaeology)
- Impact on the character and appearance of the surrounding countryside and AONBs
- Trees
- Transport
- Ecology
- Impact on neighbouring amenity
- Other issues
- CIL Liability
- Planning Balance
- Terms of S106

## **10. Overview of decision making context**

10.1 Planning law requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

10.2 As detailed in Sections 12 and 13 below, whilst some elements of the proposed development comply with the development, there is also a significant degree of conflict to the extent that, taken as a whole, the proposed development is considered to conflict with the development plan.

## **11. Enabling development**

11.1 The application has been submitted as an 'enabling development' scheme. Enabling development is development that secures the future of a significant place (Historic England define significant place as any part of the heritage environment that has heritage value, including statutory listed historic buildings) but contrary to established planning policy but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused sufficient to justify it and which could not otherwise be achieved. While normally a last resort, it is an established planning tool by which the long-term future of a place of heritage significance is secured (i.e. listed buildings) provided it is satisfied that the balance of public advantage lies in doing so. The public benefits are paid for by the value added to land as a result of the granting of planning permission for its development.

11.2 The problem which enabling development typically seeks to address occurs when the maintenance, major repair or conversion to the optimum viable use of a building is greater than its resulting value to its owner or in the property market.

- 11.3 This means that a subsidy to cover the difference -‘the conservation deficit’- is necessary to secure its future.
- 11.4 Enabling development is often associated with proposals for residential development to support the repair of a country house, as in this case. The main policy framework covering enabling development is contained in the NPPF (para. 79), which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. Paragraph 140 goes on to add that ‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies’.
- 11.5 Historic England’s ‘Enabling Development and the Conservation of Significant Places’ (2008) provides the basis for considering enabling development proposals. It contains a model for how particular applications for enabling development should be assessed and sets out stringent criteria to be met. These criteria are as follows:
- (a) The enabling development will not materially harm the heritage values of the place or its setting;
  - (b) The proposal avoids detrimental fragmentation of management of the place;
  - (c) The enabling development will secure the long term future of the place, and where applicable, its continued use for a sympathetic purpose;
  - (d) The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
  - (e) Sufficient financial assistance is not available from any other source;
  - (f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests;
  - (g) The public benefit of the securing the future of the significant place outweighs the disbenefits of breaching other public policies.
- 11.6 If it is decided that a scheme of enabling development meets all these criteria, Historic England believes that planning permission should only be granted if:
- 1) The impact of the development is precisely defined at the outset, normally through the granting of full rather than outline planning permission;
  - 2) The achievement of the heritage objective is securely and enforceably linked to it, bearing in mind the guidance in DOE Circular 05/05, Planning obligations [now replaced by the Planning Practice Guidance];
  - 3) The place concerned is repaired to an agreed standard, or the funds to do so made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation;
  - 4) The planning authority closely monitors implementation, if necessary acting promptly to ensure obligations are fulfilled.
- 11.7 However, before any enabling development is considered the applicant needs to demonstrate that real efforts have been made, without success, to continue the present use or find compatible alternative uses for the place. Proper extensive marketing should be carried out by suitable estate agents and every reasonable effort made to find a purchaser. An active marketing campaign should be carried out for at least 6 months.



11.8 In order to assess the applicants marketing efforts and the financial case for enabling development, the Council employed the services of Knight Frank. The full report, and follow up advice has been appended to the committee report.

### Marketing

11.9 Knight Frank's first task was to establish whether the site had been properly marketed. The Grotto has been offered for sale using various methods since 2012, using the following methods:

- January 2012 – Engaged with Edward Hall, regional director of Strutt and Parker. They were acting on behalf of Dr Hull for approximately 6 months;
- Late 2012-2013 – Sandy Mitchell of Redbook Agency (which specialises in this property type) introduced Dr Hull to several London and Berkshire based acquisition agents. No success was achieved, despite meetings and grant of full access for visits;
- 2014 – Advised by Justin Neal of Gordon Dadds that the property should be marketed privately with a micro website and an advertisement campaign involving Country Life and Financial Times Weekend;
- In light of the advice the following activities were undertaken:
  - Country Life (28th May 2014 and 2nd June 2014, plus one with date unknown);
  - Financial Times Weekend (8th and 28th June 2014, and 5th July 2014);
  - Country Life 'Best of Britain' (1st and 8th July 2015);
  - Website created which states the potential as a private residence or commercial development (<http://grottoonthehames.co.uk>).

11.10 The marketing campaign resulted in some interest with circa 25 viewings. The information received from the applicant demonstrates that the marketing campaign did generate a reasonable level of interest, although Knight Frank originally expressed concern regarding the method of marketing. Namely that as well as advertisements in Country Life and the Financial Times it would have also been expected that advertisements were placed in journals such as Estates Gazette and Property Week. The majority of agents engaged were acquisition agents (with the exception of Strutt and Parker), which is not a usual approach when marketing a development opportunity or project such as this. The marketing information states that there was some interest for a commercial/leisure use in 2014. Knight Frank consider that a commercial agent should then have become involved and/or the property should have been advertised via commercial journals.

11.11 Sotheby's appear to have valued the property at £7 million. Two offers were received at £4.1million for residential use and £6 million for leisure use. However, these were not progressed due to changes in bidder circumstances.

11.12 The last marketing efforts finished in July 2014, where the applicant has then progressed the current project through the planning process, including seeking pre-application advice. Knight Frank do not consider the marketing efforts to be conventional. However, they were undertaken over a significant period of time using the agent community. Although they did not closely follow section 4.7 of the Historic England Enabling Development and the Conservation of Significant Places guidance, they were fairly extensive. When further considering that the building has clearly deteriorated a great deal in the past 18 months, Knight Frank advised that a requirement to undertake further market testing that follows section 4.7 to the letter would be counter-productive. Knight Frank's Country House department has expressed a view that the property should be 'worth' between £2-3 million in the current

market, and a buyer would need to spend approximately £3 million to conserve and repair the building, making it weather proof, and fitting out the building. However, once the costs of fitting out the property and delivering the (now expired) permission are factored in this erodes the £2-3 million value down to approximately £0-1 million.

- 11.13 Knight Frank is unsure that a residential use would be viable. The Country House department could not guarantee success without marketing, and due to the current condition of the property, this would take time. The property may therefore fall into further disrepair during this period. The Country House department comment that the property provides relatively small grounds for a house of this size, and that the new railway overhead lines are unsightly, affecting the view, and affecting the value of houses which they are marketing nearby.
- 11.14 Therefore, in consultation with both the Council and Historic England, in light of these circumstances, it was agreed that sufficient marketing efforts have been undertaken.

#### Testing the costs

- 11.15 Knight Frank has assessed the applicant's cost estimate of the works needed to convert and extend the Grotto, build the lodges, convert the Studio to the spa and erect the two houses. Knight Frank's cost consultants consider the applicant's rates to be an accurate representation of costs. Some elements were costed higher than expected, but this may reflect the high quality refurbishment sought.
- 11.16 The consultants consider that the applicant's model for running the hotel would mean that the business would remain viable in the long term. The London hotels and clubs (the Devonshire and Curtain) are fitted out to an exceptional standard, and the membership element may be very profitable. The Grotto would be a high quality boutique hotel, heavily staffed with significant fixed running costs, in addition to not-insubstantial variable costs. The consultants conclude that the hotel could not be smaller as this would reduce the value per key.

#### Recommendation

- 11.17 Knight Frank advise that they are satisfied that a case for enabling development has been made and that the proposed development is the minimum necessary in order to secure the future of the site. The marketing, whilst not conventional, was undertaken for an appropriate time period, and the interest has been evidenced by the applicant. From reviewing the development appraisal and mirror appraisals run to test the level of conservation deficit Knight Frank advise that the proposed development is the minimum necessary as a smaller hotel scheme would be less viable.
- 11.18 Knight Frank recommend that the lodges and houses, which go against planning policy, could be ancillary to the hotel. The lodges are considered as ancillary to the hotel, as they are treated as hotel bedrooms, and they would be tied to the hotel. Knight Frank's rationale behind recommending the houses stay as hotel accommodation was to avoid fragmentation of the site, in the event that the hotel was sold, and that planning permission would need to be sought to change the use to C3. This is taken from the Historic England document on enabling development. The Council has considered this recommendation, and sought further advice from Knight Frank in terms of the value, and input from Historic England.
- 11.19 Knight Frank advise that if the houses were to be used as C1 (hotel) use, accounting for 8 bedrooms across the two properties, and with no capital receipts from the houses

as C3 uses, the conservation deficit increases, creating a deficit of -£5.58 million. The deficit increases as the cashflow suffers by not receiving the capital receipts from the sale of the residential properties. Of relevance is that the build costs are higher for the hotel element and if a higher hotel use construction cost were to be applied this would increase the deficit further. Following this advice the Council liaised with Historic England, as officers were concerned that as the deficit increased this may then add additional enabling development elsewhere on site to meet this increased deficit, and that the dwellings should not be ancillary to the hotel. Historic England agreed, and accept that the houses should be treated as separate residences.

- 11.20 The applicants note that the Historic England document provides guidance on the fragmentation of the site, if it is unavoidable, and that an overall management plan should be put in place. The applicants would prepare a 'conservation management plan' to 'set out the ongoing actions necessary to sustain the significance of a place once that change has taken place'. It is a document which seeks to ensure the ongoing maintenance of the buildings and landscape is undertaken in a coherent manner by multiple legal interests. This will form part of the Section 106 legal agreement, and its preparation will be a collaborative process involving all interested parties.
- 11.21 The Historic England document states that, in section 4.5, the primary concern with fragmentation is that the land is broken up to isolate non-viable parts of an estate, thus compromising the long-term viability of the asset as a whole. This is not the case with this proposal. The disposal of the two plots of land and the dwellings is to provide capital to fund the restoration of the heritage asset and provide the initial investment to create long-term security for the asset.
- 11.22 Council officers therefore consider that it would not be in the best interests of the heritage asset and site as a whole to accept the advice of Knight Frank to tie the houses to the hotel use.
- 11.23 It is therefore considered that an enabling development case has been proven.

## **12. Principle of hotel (C1) use, associated extension, spa and lodges**

- 12.1 Taken together the following strategic and development management policies of the development plan provide a policy framework for determining the acceptability of the proposed hotel use, and the proposed associated extension. Core Strategy Policies ADPP1 (Spatial Strategy) and ADPP5 (North Wessex Downs AONB) give the overall strategy for new development in the district and AONB. Core Strategy Policies CS10 and CS11 provide development management policies for supporting the rural economy and locating specified uses including hotels. Saved Policy ENV.19 of the West Berkshire District Local Plan provides criteria for acceptable conversions of existing buildings in the countryside to non-residential uses. Each policy is considered in turn below.
- 12.2 According to Core Strategy Policy ADPP1:

*“Development in West Berkshire will follow the existing settlement pattern and comply with the spatial strategy set out in the Area Delivery Plan policies of this document based on the four spatial areas.... West Berkshire’s main urban areas will be the focus for most development. The most intensively used developments, intensive employment generating uses, such as B1(a) offices, and intensive trip generating uses, such as major mixed use, retail or leisure uses, will be located in those town*

*centre areas where the extent and capacity of supporting infrastructure, services and facilities is the greatest.... The scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of residential, employment generating and other intensive uses will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited."*

- 12.3 The application site is located outside of any defined settlement boundary, and is therefore regarded as "open countryside" for the purposes of Policy ADPP1. According to the policy:

*"Only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy."*

- 12.4 On balance, it is considered that the conversion, extension, spa and lodges, do not confirm wholly with this policy. The site is located outside of the spatial areas, within open countryside. Although the scheme is not a major one, in terms of the size of the hotel, it does go beyond being small scale. It is not in an accessible location, with limited opportunities to access by public transport, cycling and walking. However, it would contribute to the rural economy, and paragraph 84 of the NPPF recognises that planning decisions should recognise that sites to meet local business and community needs in rural areas may need to be found beyond settlement boundaries, and in locations not well served by public transport. In such circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an acceptable impact on local roads, and exploits any opportunities to make a location more sustainable. As explained in section 18 (transport) there are no unacceptable impacts on local roads, and a travel plan is to be conditioned in recognition of the unsustainable location.

- 12.5 According to Core Strategy Policy ADPP5:

Environment

*"Recognising the area as a national landscape designation, development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty."*

Economy

*"Small, local businesses will be supported, encouraged and protected within the AONB providing local job opportunities and maintaining the rural economy.... Positive management of the AONB will take place through partnership working to ensure its continuation as a location for leisure and green tourism. The AONB will continue to play an important role in attracting visitors and investment. The landscape and recreational role of the waterways, which make a positive contribution to the character and cultural heritage of the AONB, will be strengthened as part of this."*

- 12.6 This is considered further in section 16 (character of the area and AONB). In summary, the conversion and extensions are considered acceptable, restore the listed building, and are on on par with the conversion and extensions previously approved as part of the 2010 and 2014 permissions. Additional screening will be required for the Studio. The hotel use will contribute to the aim of ensuring the AONB is a location for leisure

and green tourism, and the proposal will attract visitors, also making use of the waterway setting.

12.7 According to Core Strategy Policy CS10:

*“Proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.”*

12.8 The hotel use is an existing small and medium business enterprise, as the applicants have other properties in London. As explained in section 14 for economic development and supported by economic development officers there will be job opportunities, with a mechanism in the legal agreement to secure local employees. The hotel, club and spa will sit alongside existing hotel facilities in surrounding settlements, rather than seeking to compete with them.

12.9 According to Core Strategy Policy CS11:

*“The vitality and viability of the District's town, district and local centres will be protected and enhanced. The existing network of town, district, local, and village centres will form the focal point for uses, services, and facilities serving the surrounding population. The main town centre uses identified by the NPPF will be directed to the town and district centres defined in this policy.”*

12.10 The definition of “Main Town Centre Uses” in the NPPF includes “culture and tourism development (including ... hotels and conference facilities). According to paragraphs 86-88 of the NPPF:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*

*When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.*

*This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.”*

12.11 As a hotel, the proposed development constitutes a Main Town Centre Use, and is it proposed to be located in an “out of centre” location. The application is not accompanied by a NPPF-complaint sequential test. The size of the proposal is such, that it is considered to be beyond the “small scale rural development” which is exempted from a sequential test. The proposal therefore conflicts with Policy CS11 and paragraph 86-88 of the NPPF in this respect. It is, however, acknowledged that the proposed hotel represents the most viable option for the site, as concluded in the

enabling development case, as confirmed by the consultants Knight Frank. As a boutique hotel with spa, members club, and bar and restaurant, and as a sister hotel to the applicant's other operations the Devonshire and Curtain hotels/clubs, it serves a particular purpose and clientele it is not considered that the proposal would have a significant adverse impact on the vitality and viability of the District's town, district and local centres. There are no comparable sites in nearby Streatley and Pangbourne, which already have a building on site. Moreover, in assessing the enabling case Knight Frank recognise that there are not many options for the building, given its condition, small amount of land, and compromised outlook resulting from the electrification of the railway line. Knight Frank conclude that residential and leisure uses are the most viable uses in this location. There has been no success in securing a residential use. As an important material consideration in support of the scheme it is considered that the hotel use is a viable option for the building, and this outweighs the conflict with planning policy in respect of the sequential test.

12.12 According to Saved Policy ENV.19 of the West Berkshire District Local Plan:

- a) *Proposals for the re use or adaptation of existing buildings in the countryside will be permitted provided the form, bulk and general design of the existing buildings are in keeping with their surroundings; and*
- b) *The existing buildings are suitable for the proposed new use(s) without needing extensive alterations, rebuilding and/or enlargement; and*
- c) *The conversion would not have a detrimental effect on the fabric, character and setting of historic buildings; and*
- d) *The conversion respects local building styles and materials; and*
- e) *The proposed curtilage of the new development is not visually intrusive or harmful to the amenities of the surrounding countryside; and*
- f) *The proposed new use(s) would not generate traffic of a type or amount harmful to local rural roads, or require improvements which would detrimentally affect the character of such roads or the area generally; and*
- g) *The proposed new use(s) would not result in material harm to the environmental qualities of the surrounding rural area; and*
- h) *The use of the building by protected species is surveyed and mitigation measures are approved by the Council using expert advice.*

12.13 The form, bulk and design of the conversion including the attached extension and upgrade of the eastern elevation are considered to be in keeping with the surroundings of The Grotto, and the materials are complementary. Whilst the extent of the proposed extensions go beyond the scope of criterion (b) of Policy ENV.19, it is relevant to take into account that the extensions are well-designed, subservient, and do not attract an objection from the Conservation Officer in terms of their impact on the significance of the designated heritage asset. It is considered that, if these extensions were proposed under the current residential use, they would comply with Policy C6 of the HSA DPD which provides a presumption in favour of extending existing dwellings in the countryside subject to criteria.

12.14 The NPPF, at paragraph 83, enables the sustainable growth and expansion of all types of businesses in rural areas, through the conversion of existing buildings and well-designed new buildings.

12.15 In respect of e) the curtilage is not visually intrusive. Clearly, the site will be subdivided, and this is discussed in section 15 (heritage assets). In respect of f), and as detailed in section 18 (transport) the hotel use would not generate traffic to be harmful to local roads. The improvements would remove some roadway, and enable a larger area to

be returned to green amenity space. In respect of h) the building has been surveyed for protected species, and no bats have been found.

12.16 In respect of g) the hotel use would be of greater intensity than at present, and as a functioning residential use. Visitors would make use of the front lawn, and the swimming pool and tennis courts. Office workers would have also made use of the front lawn, though it is appreciated that this would have been to a lesser extent, and concentrated to work days. Making use of the site for enjoyment purposes is not considered harmful. Amplified music will be restricted.

12.17 According to Saved Policy RL.5A of the West Berkshire District Local Plan:

*“The Council recognise the recreational value of the Thames and the need to protect the particular environment and setting of the river within West Berkshire. It will permit proposals for recreational schemes only where it is not located in an area or proposed in a form which would:*

*i. harm the character or landscape setting of the river*

*ii. significantly increase use of the river by boats*

*iii. harm the amenity and informal recreational value of the river, or*

*iv. reduce or inhibit public access to the riverside or prejudice the Thames path*

*Permanent moorings will only be granted in appropriate off river locations specifically provided to replace existing permanent moorings in the main river channel.”*

12.18 The boathouse is a reinstatement of what would have been previously been present, and is similar to what has previously been approved as part of the 2011 and 2014 schemes. It is considered to comply with the above policy.

### **13. Principle of new housing in the countryside**

13.1 The housing supply policies of the development provide an up-to-date framework for locating new housing development within the district. The relevant housing supply policies for this application include Core Strategy Policies ADPP1, ADPP5 and CS1, and Policy C1 of the HSA DPD.

13.2 Policies ADPP1 and ADPP5 are detailed in paragraphs 12.3 and 12.5, and set a general policy of restrain in open countryside.

13.3 According to Core Strategy Policy CS1:

*“New homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy and Area Delivery Plan Policies.... New homes will be primarily developed on: suitable previously developed land within settlement boundaries; other suitable land within settlement boundaries; strategic sites and broad locations identified on the Core Strategy Key Diagram; and land allocated for residential development in subsequent Development Plan Documents.”*

13.4 According to Policy C1 of the HSA DPD:

*“There will be a presumption against new residential development outside of the settlement boundaries.... Planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural*

*area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.”*

- 13.5 The application site is located in open countryside within the AONB. The proposed new houses therefore directly conflict with the housing supply policies detailed above. It is recognised that there is a net increase in one dwelling, as one residential unit in the Studio would be lost to the spa. However, as one of the new houses is not regarded as a replacement due to a different location on site it is still considered that the above policies are relevant.

#### **14. Economic development**

- 14.1 According to paragraph 80 of the NPPF, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In terms of supporting a prosperous rural economy, paragraph 83 of the NPPF states that planning decisions should enable: (amongst others) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 14.2 Paragraph 82 states that planning decisions should recognise and address the specific locational requirements of different sectors, and in this respect it should be acknowledged that such hotel development benefits from an attractive rural setting.
- 14.3 According to paragraph 84, planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 14.4 The Council's economic development officer supports the application, and there will be benefits generated through the construction and operational stages. During the construction period:
- 57 direct temporary full time equivalent (FTE) jobs per annum over the construction period of 18 months
  - 38 direct net additional FTE employment opportunities for residents of Berkshire
  - 19 net additional indirect FTE employment through onward expenditure and supply chain.
  - This could contribute an economic contribution of £4.4 million GVA to the Berkshire economy annually.
- 14.5 In the operational phase there would be 183 gross jobs created on site when fully operational with a predicted £3.4 million GVA contribution annually to West Berkshire and £6.1 million GVA annually to Berkshire as a whole. It is expected that the Section 106 legal agreement will include a requirement for an employment and skills to ensure that local jobs are created, particularly using apprentices where appropriate. This would be developed with the applicant.



- 14.6 In addition to this, an anticipated £9.2 million visitor expenditure could be generated over 10 years and £87,000 in business rates revenue p.a.
- 14.7 The proposal is in accordance with the West Berkshire Economic Development Strategy 2013-2018 (in the process of being updated) by:
1. Work with partners to ensure that local skills meet the needs of today's business and work environments.
  2. Promote West Berkshire as a desirable location for combining business, leisure, learning and life.
  3. Become more business friendly and encourage new investment and business retention across all sectors.
- 14.8 Whilst the site is in an unsustainable location, as detailed below, a Travel Plan will be developed as part of a planning condition. This will encourage staff to make use of sustainable transport methods, including car sharing. Measures will be encouraged to operate a shuttle bus for visitors.

## **15. Impact on heritage assets**

### Listed Building

- 15.1 The Grotto is a Grade II listed building. Historic England provide the significance of the Grotto in their initial consultation response, as follows. 'The Grotto has an interesting history, beginning life as a small brick villa built for Lady Fane in the 1730s. Despite its small size, this was a highly fashionable building associated with a once famous grotto decorated by Lady Fane situated close by. It was expanded in several phases from the mid-18<sup>th</sup> or the mid-19<sup>th</sup> centuries to become a modest country house. The most significant parts of the building are the remains of Lady Fane's original house and its first, mid-18<sup>th</sup> century, extension. These have considerable historical value, despite extensive later alterations, as an early example of very high-quality villa architecture.
- 15.2 The later 18th century flanking wings, while now surviving only in a fragmentary state, also have a degree of historical value in that they tell the story of how this building evolved into a country house. While these extensions undoubtedly compromised what must have been a building of outstanding architectural quality and the two wings were carefully designed as a sympathetic, symmetrical and well balanced additions. The East Wing also includes some fine interiors, most notably the Octagon and the Oval Room. Subsequent alterations and extension have not been as careful.
- 15.3 Nevertheless, architecturally it still retains the character of a country house in extensive landscaped grounds, which has always been a defining feature of the building. The drama of the site, with the isolated house sitting on rising ground surrounded by trees commanding views over the Thames, must have been recognised and consciously exploited by Lady Fane and her architect and survives largely intact. Likewise, the approach from the south-west through informal park and trees almost certainly forms an integral part of the way in which the building was originally conceived.'
- 15.4 The proposal would result in harm to the setting of the listed building, and these would amount to less than substantial harm. The proposals, notably the new dwellings and lodges would erode a number of aspects of the buildings' significance, rather than

seriously affecting a key aspect of the building's architectural or historic interest. Such harm should not be accepted unless it is clearly and convincingly justified. Furthermore, the public benefits of the proposal need to outweigh the harm. As explained in section 11 the enabling development case has been proven.

- 15.5 The subsequent amendments, in terms of reducing the scale of the coach house extensions, reduction in size and change in location to the two dwellings, and reduction in one of the lodges, lessens the amount of harm. The removal of the eastern most lodge, the most prominent of the lodges, is of benefit. However, any development on this part of the site would detract from the sense that this is a country house in its own grounds. Moving the two dwellings down the hill reduces the impact these buildings would have on the setting of the Grotto, but there would still be an element of harm to the significance of the listed building, as the sense of it being a country house in extensive grounds would still be diminished.
- 15.6 Section 6.1.2 of the Historic England enabling development document recognises that 'there will be occasions where proposed enabling development would result in marginal harm to some aspect of the significant place or its setting, yet it complies with the other criteria, and after thorough investigation it is clear that it represents the least harmful means of securing the future of the place as a whole'. It would therefore be appropriate to weigh the benefit to the place against the harm, not only to other public interests, but also to the place itself.
- 15.7 The Grotto is in a poor condition and extensive repairs, along with a new use, are needed. Thus, a key consideration is whether the degree of enabling development is necessary to give this property a sustainable future, and if so, whether everything possible has been done to minimise the harm entailed by this level of development. The engagement with Knight Frank to review the enabling development case, and following the conclusions of this assessment, that amended plans received, and that ultimately this scale of additional development is necessary. Further considerations of moving the lodges may not be practical for operations reasons or may increase the impact on the AONBs. Therefore, there is clear justification for the amount of additional development. Paragraphs 196 and 202 of the NPPF requires the harm to be weighed against the public benefits of the proposals, including finding its optimum viable use, and securing the future conservation of the building. The Council and Historic England are persuaded that development of this sort and scale is necessary if this building is to be conserved.
- 15.8 The Council has a statutory duty, in sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest.
- 15.9 The internal works to the building are acceptable. The conversion to a hotel, with the member's club, bar and dining area, means that the existing internal structure can remain largely intact. The eastern extension enable the Oval room to be reinstated, and as the local historian details, could enable the original shell elements to be exposed for public benefit. Conversion to flats or an institutional use (as examples) could possibly compartmentalise the building which may not be as beneficial as the proposed hotel use. Furthermore, the hotel use allows for a degree of public access, which would not otherwise be had with private residential use. As the local historian notes the reinstatement of certain rooms, notably the Oval room and the unearthing of the shell walls would be able to be enjoyed by visitors. This is a further public benefit of the proposal.

- 15.10 The works to the main Grotto building to reinstate it, with the attached extension is considered acceptable. Original features are sought to be added, such as the conservatory at the first floor. This also follows what was approved in the 2010 and 2014 applications. The attached extension is in keeping with the style of the listed building, and is not as large as what was originally approved.
- 15.11 The spa building is lower and less visible than the cottage which benefitted from permission in 2012. The boathouse is of a type that would be expected on the riverside. These elements would not have an adverse impact on the setting of the listed building.
- 15.12 Ultimately, the amended plans lessen the harm to the setting of the listed building and have been proven necessary to secure the long term future and conservation of this heritage asset. The conservation of the listed building is of key importance.

#### Archaeology

- 15.13 The Council's archaeologist notes that there have been previous investigations undertaken within the building but no archaeological fieldwork carried out in the garden. The site's location beside the Thames is a significant one, and there is a known area of Roman and earlier occupation less than 200m to the south-east. The archaeologist believes that as ground disturbance will occur during the construction of the lodges and dwellings this deserves archaeological supervision, to ensure that any below ground remains are recorded. The submission of a programme of archaeological work is therefore proposed by condition.

### **16. Impact on the character of the area and the AONBs**

#### Major development in the AONB

- 16.1 According to paragraph 172 of the NPPF, the scale and extent of development within AONBs should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 54 reflects case law on this policy from the 2012 NPPF in that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. Taking into account the nature, scale and setting of proposal compared to the existing nature, scale and setting of development on the site, it is considered in the specific circumstances of this case that the proposal does not amount to 'major development' in the context of paragraph 172, and so this policy does not apply.

#### Assessments

- 16.2 The site is located within open countryside, within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB) and adjacent to the Chilterns Area of Outstanding Natural Beauty (C AONB). The NPPF and Core Strategy Policies ADPP5 and CS19 seek to conserve and enhance landscape, local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity, and dark night skies. Development will need to respond positively to the

local context and respect identified landscape features and components of natural beauty.

- 16.3 The Council has engaged the services of a Landscape Architect to assess the scheme, and to consider the applicant's proposals and Landscape Visual Impact Assessment (LVIA). The advice has been updated in relation to the amended plans, and further information, notably an updated Landscape and Visual Impact Assessment. Character Assessments relating to the site are summarised below:

*North Wessex Downs Landscape Character Assessment 2002*

- 16.4 The site lies within LCA2B: Ashampstead Downs. The key management requirements (relevant to this application) for this area are to conserve and enhance the quiet rural character and parkland.

*Berkshire Landscape Character Assessment 2003*

- 16.5 The application site lies within the Elevated Wooded Chalk Slopes – N1 Basildon and is adjacent to Lower Valley Floor – B2 Pangbourne Thames. The landscape strategy for this area is to conserve and where important characteristics are declining in quality, they should be restored. The strategy states that this includes the mixed wooded horizons and slopes and valley woodlands as well as the importance of promoting positive views of the Thames and Chilterns from within this landscape type. Relevant landscape management guidelines include 'cooperate with owners to secure managing adjacent landscapes visible from this area to ensure the continued presence of positive cross-valley views between the Chilterns AONB and this landscape type'. The character area evaluation for N1 Basildon states this area has a strong memorable character due to its dramatic landform, strongly wooded character, and spectacular views of the Goring Gap.

- 16.6 The application site also abuts the landscape type Lower Valley Floor B2 Pangbourne Thames which the features of key significance include 'quality of views to the river and to the valley sides' and 'the presence of historic parkland'. The landscape condition of this type is described as 'strong, although many features which contribute to the character particularly at fine grain are deteriorating' with a key issue relevant to this application is the 'continued management of the historic parkland resource'. The overall landscape strategy is to conserve and restore the landscape character. The Pangbourne Thames LCA is described as being a more remote rural area than other character areas within this type, partly being more enclosed due to the borrowed character from the adjoining steep enclosing bluffs of the Chilterns and the wooded dip slope.

*Newbury District Landscape Character Assessment 1993*

- 16.7 The site lies in LCA: 4: Eastern Chalklands – Wooded. The strategy for this LCA is for conservation. The guidelines suggest that appropriate management and replanting of parkland trees would maintain the enrichment of the landscape. With regard to development, the guidelines include that new housing should not be sited on open slopes.

*Chiltern AONB*

- 16.8 The site is located adjacent and will also be visible from the following landscape character types: Thames Floodplain and Escarpment and the following Landscape

Character Area 11 Thames Valley and Fringes. The landscape management issues describe the landscape of the Thames Valley and Fringes 'of high scenic quality, with its ribbon of tranquil floodplain pastures, wooded hillsides and picturesque parkland', with management objectives to conserve and enhance these characteristics. The issues also mention the gradual suburbanisation of the river corridor setting with an example listed as 'on the fringes of Goring'. General conclusions for development states that 'development within visually exposed landscapes (e.g. along the valley sides) will be highly prominent and is also generally undesirable'.

#### Visual Impact/Viewpoints

- 16.9 In considering the 20 viewpoints outlined in the updated LVIA the landscape architect notes that due to the undeveloped character of the locality views of the site are predominantly from public rights of ways. The viewpoints are from up and beyond the railway line, locations along the Thames path, from the north-east of the site including the Chilterns Way.
- 16.10 The landscape architect considers that the proposals will be visible from the Thames Path and from the east, and viewers will experience an increase in building mass and the loss of the tightly framed view of the Grotto due to removal of certain trees. Any new development would erode the rural character, seen against the existing low density of the locality.
- 16.11 The two dwellings have been moved further down the slope, and there will be still be longer views of the roofs/tops of the buildings. The tree belt along the Thames will provide some screening and filtering for views from the east. The coach house is set at a lower level than the Grotto house.
- 16.12 The landscape architect considers there will be indirect impact on the Chilterns AONB, in the Thames Valley and Fringes. The increase in development and loss of parkland trees will not conserve or enhance the quiet rural character and would have an adverse effect on the landscape character of the Chiltern AONB.

#### Landscape character

- 16.13 When considering the impacts on the landscape character of the site the proposal will result in a direct loss of parkland, including areas of grassland and trees. The landscape architect therefore considers the magnitude of change to be large and will result in a major landscape effect, which will be classed as significant. The car parking will require some levelling, which would have an adverse impact on the landscape character. The two dwellings and new entrance gates will enclose the setting of the originally open parkland driveway. The two dwellings have been moved further down the slope, and there will be still be longer views of the roofs/tops of the buildings.
- 16.14 The landscape architect is concerned that the landscaping plan is adhoc and out of character with the garden and parkland. It also does not attempt any conservation or restoration of the grounds or the setting of the Grotto house. A number of trees would be removed, leaving some for filtering views from the Thames path and locations further to the east. The spa, due to the removal of trees. The spa will be visible from the Thames path and locations further to the east.

#### Heritage Statement

- 16.15 The landscape architect also comments on the Heritage Statement. Comments are made on the impact of the setting of the parkland, and the architect disagrees with the applicant that the parkland makes little contribution to the setting of the house. The new driveway will also be historically inaccurate as an 18th century driveway would have circled the grounds offering views before arrival.

#### Conclusions of landscape architect

- 16.16 The proposal will have an adverse visual effect on the amenity value of the Thames Pathway, Chilterns Way, and other public rights of ways to the east, with the existing undeveloped character of the wooded hillside replaced with a view of increased built development. The site's parkland features contribute to the rural quality of adjacent landscape character areas. The increased development of the site will have an adverse effect on the landscape quality of these adjacent areas as well as the undeveloped landscape character of the River Thames. This is not in line with the landscape character assessments, as outlined above. The landscape character will be weakened through 'insensitive and modern development'. There will be an indirect impact on the Chilterns AONB.
- 16.17 The reduction in the scale and massing of the buildings is an improvement, though the landscape masterplan is not considered to go far enough in conserving and enhancing the landscape character of the site, and of the AONBs. A landscape strategy is therefore recommended to develop a revised landscape masterplan.
- 16.18 The LVIA does not provide a thorough assessment of the visual impact, and does not include mitigation measures. The landscape therefore suggests mitigation measures, including further tree planting, change in location of the car parking spaces, to undertake remodelling of the landform around the Grotto house, and ensure earth mounds created around the car parking areas to marry back into the surrounding landscape.

#### Consideration of the impact of the scheme

- 16.19 It is considered that the design of the extension, coach house extension, spa building, boathouse, lodges and dwellings are of high quality. However, due to the amount and location of development it is clear that the proposals will have an impact on the character of the area and the North Wessex Downs and Chiltern Areas of Outstanding Natural Beauty.
- 16.20 The two dwellings in particular would affect the parkland setting and disrupt the views to the Grotto building on arriving at the site. The dwellings would be seen from viewpoints from the north, enabling a greater appreciation of new built form. Amended plans were sought to reduce the bulk of the dwellings, to locate the dwellings further down the slope, and to locate the dwellings closer to the eastern boundary. The dwellings are recognised to be quite large, and reducing the bulk and locating them further down the slope reduces the visual impact of the dwellings. Locating the dwellings close to the eastern boundary seeks to group the buildings more closely with the neighbouring residences, thus seeking to group development together. A site visit was undertaken to view the site from the Thames Path and the amount of existing tree cover is considered to provide some screening. It will be important for this tree screening to remain in place, to avoid views being opened up, and also to avoid the domestication of land as is evident at other residential properties along the Thames. It is considered necessary to remove permitted development rights for extensions and

outbuildings to seek to reduce the amount of additional built form on site without further consideration by the Local Planning Authority and other interested parties.

- 16.21 The lodges, whilst in a relatively secluded part of the site, still introduce a new element of development in a raised position above the Grotto when viewed from the north, and are prominent features. The removal of the eastern lodge is considered to be of benefit, as this was the most visible from the north. The design of the lodges is such that they are relatively small scale in size. Additional landscaping may be necessary to further soften the impact of the lodges. The approach road is now focused on directly visitors to the front of the Grotto building and the main car park, rather than having all visitors travel past the lodges. This is a more historically correct access road.
- 16.22 The coach house extension is a large building, and materials would be different to those of the Grotto house. Amendments have been made to reduce the overall bulk, and it is considered to be more of a subservient addition to the building. The footprint is similar to the garage previously approved, although there would be additional bulk and less separation between the Grotto house and coach house. The building, along with the extension, and spa ensure that the new/replacement additions are concentrated in an area on site where existing development is concentrated, thereby reducing the visual impact and impact on the AONBs.
- 16.23 The extension and spa building, boathouse, and works to the Grotto building are considered to be similar to those developments previously approved under the earlier permissions. The works to the Grotto building itself would enhance the view of the building, bringing in original features to the building, such as the reinstatement of the oval room and the first floor conservatory. The current condition of the building is poor, and detracts from the character of the area and views enjoyed from across the river. Works to renovate the house and reinstate the features as explained above would therefore conserve and enhance the character of the area and AONBs.
- 16.24 The car parking spaces are urbanising elements and cut into the existing parkland setting. The main car park will also cut into the ground, and this will need careful management, as suggested by the landscape architect. For this facility it is difficult to see where car parking could be located instead. Grouping the majority of parking spaces into one location may limit the impact as opposed to locating pockets of parking around the site. The additional landscaping, type of surfacing material, and external lighting will be important to consider, which will be subject of planning conditions.
- 16.25 The proposal will lead to the increase of activity on the site. Weddings and external events are likely to need licenses, and this activity can be controlled through the terms of such licence. Guests making use of the facilities and grounds is to be expected, though it is not considered that this would be to such an extent as to have a significant adverse effect on the tranquillity of the area. Amplified music would be restricted. The hotel contains 53 bedrooms, so is not a large scale operation.
- 16.26 The Local Planning Authority has a duty of care to protect this important landscape, as it also has a duty of care to protect heritage assets. There is a balance to be struck. As this is an enabling development a degree of harm is to be accepted, and the public benefits of the scheme are to be considered. As outlined below, in the trees section, the landscaping is a key element of softening the impact of the development. The landscape architect recommends more is added. Tree retention is also important, to screen the view of the two houses from the Thames path, and to avoid the domestication of land along the river side. This is evident on other residential

properties along the Thames. Ultimately, the amended plans lessen the harm, and a strong landscaping scheme will be required, to be secured by planning conditions.

## **17. Trees**

- 17.1 The application has been supported by an Arboricultural Impact Assessment, which has been updated as part of the amended plans. The tree survey and reports have been undertaken in accordance with BS5837:2012, and the tree officer considers that they appear to be a fair reflection of the trees at the site and the condition of the trees.
- 17.2 The site contains a significant number of trees, as identified in the report. The proposed changes at the site will require the removal of 14 B grade individual trees and 1 B grade group of trees, the majority of which are located in the area of the proposed lodge units, and the 2 new house, with the exception of T3 Ash & T10 Sycamore, which are in the area of the new swimming pool.
- 17.3 These trees are considered to be trees of better quality at the site, but given their relatively low visual amenity these trees provide, it would be difficult to, argue for their retention. The beech trees around the area of the lodge units are only semi mature, the same as the two pine trees T68 & T69 and cedar T70. In response to earlier queries made by the tree officer the T48 Cypress tree is to be retained rather than removed, due to its hardy nature. The T85 Beech is still to be removed due to the potential impact of the parking area on its root protection area. The tree officer raises no objection to this.
- 17.4 The other tree removals at the site include 12 C grade trees, and 1 group, and 5 U grade trees. The rest would appear to be able to be retained and protected throughout the development, subject to agreement on the tree protection requirements.
- 17.5 There are a few other potential conflict points around the site, which will require, either amendment, or Arboricultural input, to ensure that the trees are not damaged, these are as follows.
- 17.6 The additional details on services and tree protection etc. can be covered by suitable conditions along with the site supervision for all of the Arboricultural works, as covered in part 4.6 of the tree report, as there are a number of potential issues, which require onsite supervision, it would be advisable for the project Arborist to be retained.
- 17.7 The landscaping scheme proposed for the site, has identified a number of areas of tree and hedge planting, which should help mitigate the losses proposed to facilitate the development, the introduction of new tree species and native hedges, is very much in keeping with the surrounding area, and full details can be subject to a landscaping condition, along with details on the management of the new planting, and site in general. The landscape management plan covers a period of 10 years. Landscaping, particularly on the banks of the River Thames would be expected to be retained in perpetuity to keep shielding views of the two dwellings, and to avoid the domestication of land as has been experienced on householder plots directly adjacent to the site and on residential properties towards Streatley/Goring. Therefore, the Section 106 should also contain a clause relating to landscape retention, following on from the landscaping scheme and landscape management plan.



## 18. Transport

- 18.1 The NPPF seeks to promote sustainable transport, and paragraph 108 states that appropriate opportunities are given to promote sustainable transport modes, given the type of development and its location; that safe and suitable access can be achieved for all users; and any significant impacts from the development on the transport network or highway safety can be mitigated. Furthermore, paragraph 84 states that planning decisions should recognise that sites to meet local business needs may not be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Development in these circumstances should be sensitive to its surroundings, and would not have an adverse impact on local roads. Core Strategy Policy CS13 echoes paragraph 108 of the NPPF.
- 18.2 The application is accompanied by a planning statement, transport statement and transport addendum note (submitted alongside the amended plans). As explained in the documentation the Grotto and the Studio were formerly used as B1 offices, where ILAM and Hackinson Duckett Landscape Architects vacated the premises in 2008. ILAM is believed to have 60 staff, and there were approximately 60 staff parking spaces, concentrated around the existing outbuilding, to the front of the building and in the former tennis courts. The site would have accommodated weddings and other events, leading to one-off trips by visitors. The hotel would have approximately 47 staff to support the 53 bed hotel and lodges.
- 18.3 The Grotto is located off a spur road from the A329 between Lower Basildon and Streatley. The site is not well served by public transport, and it is understood that community run bus runs past the site. There are train stations in Pangbourne and Goring, serving between Oxford, Reading and London Paddington.
- 18.4 As the site is poorly served by public transport it is reasonable to assume that the majority of staff, hotel guests and residents would travel by private car. Highways officers were initially concerned that there would not be enough spaces, particularly during times of shift changes in staff. Further information was also sought in relation to visibility splays where the lay-by access joins the A329. Highways officers noted that the proposals would result in a considerable intensification of the use of the access, and thus engineering works, to be secured through a Section 278 Agreement, would enable the upgrade of the access and ensure that there is adequate passing space for vehicles.
- 18.5 Following discussions between the applicant's transport consultant and the Council's highways officers and the reduction in the number of hotel rooms it was agreed that the number of parking spaces is considered acceptable for both visitors and staff, and accounts for changes in the shifts of staff.
- 18.6 The layout of the parking spaces has been changed, so that drivers reverse into the space at an angle and are able to drive forward out. The internal road passing the lodges will be one-way clockwise, and therefore all traffic will not need to pass the lodges to access the main building. Motorcycle bays have been included. Five Sheffield stands for cycles for staff and three for visitors will be provided. Passing places would be provided on points along the access road to allow for vehicles to pass.
- 18.7 The visibility from the spur road to the A329 achieves eastbound visibility of 122 metres and westbound visibility of 215 metres. The eastbound visibility is insufficient for the speed of the road (at 60mph). The applicant therefore undertook a speed survey which identified an eastbound 85th percentile speed of 52.8mph, and a westbound 85th

percentile speed of 51.3mph. The visibility requirement could therefore be reduced. The applicant proposes a revised A329 access located approximately 50 metres to the east. This achieves visibility of 178.8m in the eastbound direction, and 215m in the westbound direction. This is satisfactory to the Highways Authority, and will be secured by a S278 Agreement.

- 18.8 The access to the dwellings and level of parking is acceptable, and in compliance with Policy P1 of the Housing Site Allocations Development Plan Document.
- 18.9 Transport Policy officers have commented on the scheme, from a sustainability perspective, in recognition of the aim of the NPPF and Core Strategy to improve travel choice. It is unlikely that staff and visitors would choose to walk or cycle to the site, owing to the speed limit of the A329 and lack of street lighting. Furthermore, the distance to the nearest train stations are beyond the acceptable walking distances. The hotel operator will therefore need to adopt pro-active measures to encourage alternative choices.
- 18.10 A peak hour shuttle bus is proposed from nearby residential areas and rail stations, and car sharing could be explored. Cycle parking is also provided. The operator would be encouraged to work closely with local taxi firms or private hire firms to provide transport between rail stations and the hotel. It is therefore considered that initiatives to reduce reliance on the private car should be set out in a Travel Plan, and can be secured via planning condition. There is also encouragement to provide electric charging points, both for the hotel and lodges, and the two dwellings.

## **19. Ecology**

- 19.1 The NPPF, in chapter 15, states that planning decisions should contribute to and enhance the nature and local environment, by (amongst others) protecting and enhancing valued landscapes, recognising the intrinsic value and beauty of the countryside, and minimising the impacts on and providing net gains for biodiversity. Core Strategy Policy CS17 seeks to conserve and enhance biodiversity and geodiversity assets across West Berkshire. Habitats designated as important for biodiversity and geodiversity at an international and national level will be protected and enhanced. Development which may harm, either directly or indirectly, locally designated sites (Local Wildlife Sites), or habitats or species of principal importance for the purpose of conserving biodiversity, or the integrity or continuity of landscape features of major importance for wild flora and fauna will only be permitted if there is no reasonable alternatives and that there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species, and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable. Therefore, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity.
- 19.2 The application is supported by a Phase 1 Ecological Assessment and a Phase 2 Bat and Reptile report.

### Bats

- 19.3 Both the Phase 1 and Phase 2 surveys did not observe bats emerging or entering the Grotto. The Phase 1 survey classified the Studio and garage as having negligible suitability to support roosting bats, and therefore no further surveys were proposed.

Within the local area the majority of bat activity was recorded from common and soprano pipistrelles. There was activity from five identified bat species; common pipistrelle, soprano pipistrelle, serotine, long-eared bat species (likely brown long eared due to geographical location and absence of grey longeared records locally) and barbastelle along with two Myotis species, likely Natterer's and Daubenton's bat were confirmed foraging and commuting within the site boundaries at The Grotto. The trees to be removed within the site are considered to provide negligible and low potential to support roosting bats.

- 19.4 The results indicate the bats are unlikely to be using the building as a bat roost and therefore a European Protected Species licence will not be required to undertake the conversion and extension works.

#### Reptiles

- 19.5 The Phase II Reptile Survey consisted of a suite of 7 presence/absence surveys conducted in August & September 2016. The Phase II Reptile Surveys found reptiles within the boundary of the development. The results showed the site supports a 'Good' population of slow-worms, with a peak adult count of 5 being found during the survey carried out on the 21st September 2016. To ensure that no reptiles are harmed during the development and the favourable conservation status of the species is maintained, mitigation will be required. Mitigation will entail a reptile translocation taking place, followed by a destructive search being carried out under the supervision of a suitably qualified ecologist. Suitable reptile habitat will be created and retained on site, including the construction of 5 hibernacula within the reptile habitat. This can be secured by planning condition.

#### Badgers

- 19.6 A badger sett was found within 200m of the site, and 21 setts within 2km of the site.

#### Birds

- 19.7 No evidence of bird use and bird nesting was noted during the survey. The buildings and vegetation present within the boundaries of The Grotto have the potential to support nesting birds.

#### Dormice

- 19.8 The closest record for hazel dormouse was located approximately 2km south of the site in association with Basildon Park.
- 19.9 There was no evidence of dormouse nest building and only occasional hazel was noted during the survey. The record located in association with Basildon Park has some limited connectivity to the site, however there is a lack of continual connectivity to the site due to breaks within the hedgerows present between Basildon Park and the site. The majority of the habitat which has some dormouse suitability is shown to be retained and will not be impacted upon through the current proposals. It is therefore considered that the development is unlikely to have an ecological impact upon dormice.

#### Great Crested Newts

- 19.10 No records for Great Crested Newts were returned within 500m of the site.

- 19.11 The site does contain habitat which could be considered as potentially suitable terrestrial habitat for newts, including woodland areas and scrub. However, newt presence is considered to be unlikely due to there being no ponds located within 500m of the site and the closest great crested newt record being separated from the site by a significant barrier to dispersal, the River Thames. The proposals are therefore considered unlikely to have any ecological impact upon great crested newts.

#### Other species

- 19.12 Butterflies and a banded demoiselle were noted during the phase 1 survey.

#### Priority habitats

- 19.13 The site comprises of Woodpasture and Parkland BAP (Biodiversity Action Plan), which now has a higher ecology score than previously (2014 survey) as the management of the site has changed. The majority of the habitats will be retained, although part of the eastern area will be lost for the construction of the two dwellings. The assessment considers that the proposal would have a low to moderate impact on the Woodpasture and Parkland BAP.
- 19.14 The grassland meadow within the site has been left unmanaged, and is of a length which now provides suitable habitat to support invertebrate species, specifically butterflies. Areas of grassland will be maintained, though it is likely that a management regime will be reinstated. The habitat will therefore be lost, and mitigation is needed for the invertebrates.

#### Mitigation and enhancement

- 19.15 The Phase 1 survey proposes biodiversity enhancements. This includes the avoidance of lighting, or lighting which is shielded or aimed only to illuminate the required area. Bat and bird boxes are encouraged. Building works would need to respect the bird nesting season. Protective fencing would need to be in place around the retained habitat areas. The boundaries of the residential dwellings should incorporate native hedge planting to increase habitat and species diversity, and help mitigate the loss of the Woodpasture and Parkland. A wildflower meadow is encouraged to enhance the grassland meadow. Details and management could be put in a Habitat Enhancement and Management Plan. Measures would be taken to avoid any pollution run off into local water courses (the Thames), and this is a point suggested by the Environment Agency in their previous consultation.

## **20. Neighbouring amenity**

- 20.1 There are seven residential properties in close proximity to The Grotto, whereby six properties share access from the A329 with The Grotto.
- 20.2 The residential properties are located at a sufficient distance from the nearest neighbours so not to result in harm to outlook, privacy and sunlight.
- 20.3 The hotel use and associated comings and goings will have an impact on amenity. The use of the access, compared to the situation that has been in place for the last 10 years, will be noticeable to residents. However, it should be considered that The Grotto was once used for offices, with approximately 60 staff, and accompanying visitors and

services, would make use of the access and site on weekdays. The main difference is that a hotel will operate outside of the normal hours of an office, and operate at weekends. A noise assessment has been undertaken, and considered by Environmental Health officers. The assessment considers that noise from traffic would not have a detrimental impact on neighbouring amenity. Details of new plant, such as mechanical ventilation units, extract systems, air source heat pumps, air conditioning units, etc would need to meet the design criteria as suggested in the noise assessment so not to result in harm to neighbour amenity.

- 20.4 Comments have been made from local residents in terms of music and lighting. As outlined in the section on the impact on the character of the area and AONBs details of external lighting would need to be agreed, as part of a planning condition. This is also important to the biodiversity of the area. Such a lighting scheme would need to be respectful of the dark skies, and in turn this benefits local residents by seeking to ensure that lighting would not have a significant adverse impact on their amenity and enjoyment of the dark skies. It is considered that a condition could be imposed to ensure there is no amplified music after 11pm. Such a condition was placed on the Goring Gap Boat Club which lies further east of The Grotto. It is likely that outdoor events and weddings will need to have appropriate licencing and certain issues, such as music, can be controlled through such licences.
- 20.5 The proposals will result in an increase in activity within the site, but it is not considered that such activities would result in significant harm to the amenities of neighbouring residents.

## **21. Other matters**

- 21.1 The majority of the site lies in Flood Zone 1, and due to the size of the site a Flood Risk Assessment has been provided. The Environment Agency mapping shows the site shows the front lawn and riverside within Flood Zone 2. The riverside is located in flood zone 3. The hotel use is classed as a 'more vulnerable' use, and is appropriate in flood zone 2. The boathouse is classed as a 'water compatible' use, and is appropriate in flood zones 2 and 3. No comments have been received from the Environment Agency or the Council's lead local flood authority.
- 21.2 Sustainable Drainage Systems are proposed, in the form of water butts, pervious pavements, and the implementation of a surface water drainage strategy through the Building Regulations. Whilst the Environment Agency has not commented on this application two conditions were in place to secure a landscape and ecological management plan for areas within 10 metres of the top of the river bank, and also to secure details of the voids within the walls of the boathouse. Such conditions are still considered reasonable. An informative will be added to require the applicant to seek any permissions from the Environment Agency with regards to any works to the river frontage, and any discharge of sewage or trade effluent.
- 21.3 Environmental Health consider contaminants may be present, and if during construction any are found the developers would need to notify the Council.
- 21.4 The dwellings are not subject to the Code for Sustainable Homes, as required by Core Strategy Policy CS15, as the Code is no longer in place. A BREEAM assessment has been submitted, and 'Very Good' can be achieved. Given the scheme represents a conversion and extension, and due to the historic fabric of the building, this is considered acceptable. Conversions do not normally qualify for BREEAM.

21.5 Thames Water has advised that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Therefore, impact studies of the existing water supply infrastructure will be required, which will determine if any additional capacity will be required. This will be secured by planning condition.

## **22. Community Infrastructure Levy (CIL)**

22.1 The development is CIL liable. The hotel use is nil rated. The dwellings would attract a CIL charge of £125 per square metre, as the site is located within the AONB. CIL officers have calculated this at approximately £133,344.18 (with indexation).

## **23. Planning balance**

23.1 Planning law requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise. This section considers the weight that should be applied to the various considerations in the planning balance.

23.2 As detailed in this report it is considered that the proposal conflicts with the development plan in the following respects:

- The scale of the proposed hotel use is such that it goes beyond the small scale of development allowed for in this area by the relevant strategic and non-strategic policies (ADPP1, ADPP5, CS10, CS11) having regard to the relatively inaccessible location in AONB open countryside.
- The application is for a Main Town Centre Use (as defined by the NPPF) which is not located within a town centre location, and for which no sequential test has been provided.
- The provision of two new houses in open countryside is in direct conflict with the housing supply policies of the development plan (ADPP1, ADPP5, CS1, C1).
- The proposal fails to conserve and enhance the AONB in terms of additional built form, visible from various viewpoints from the north and east, and loss of parkland.
- The proposed lodges and residential units cause less than substantial harm to the setting of The Grotto, as a Grade II listed building.

23.3 It is considered that the proposal complies with the development plan in the following respects:

- The change of use of the existing building to a hotel use is broadly in accordance with Policy ENV.19 of the West Berkshire District Local Plan
- In the local context would make a significant contribution to the local rural economy, and would be supplemented by a planning obligation by s106 to ensure local employment.
- Extensions and alterations to the Grotto are in accordance with Policy ENV.19 of the West Berkshire District Local Plan and Policies CS14 and CS19 of the West Berkshire Core Strategy.
- The proposal would not have an adverse impact on the local highway network and highway safety, subject to the junction improvement where the spur road meets the A329.

- Subject to mitigation there would be no adverse impact on biodiversity, and the proposal is in accordance with Policy CS17 of the West Berkshire Core Strategy.
- The scheme secures the future of the listed building.
- The scheme would have no adverse impact on neighbouring amenity.

23.4 Other important material considerations which need to be taken into account include:

- If the property were to remain as a single residential dwelling, the proposed extensions would comply with Policy C6 of the HSA DPD as they are subservient in scale and design to the main building (note, there is no objection from the conservation officer to the extensions), and in keeping with the character of the area and AONBs, as evidenced by the earlier grant of planning permission.

*Conflict of hotel use and extensions with Policies ADDP1 and CS11*

23.5 The degree of conflict with Policies ADPP1 and CS11 (and the associated policies of the NPPF) is considered to be fairly moderate by comparison to other considerations. This view is taken because the conclusion that the proposal conflicts with the development plan is, in itself, an on balance conclusion, as there are other “in principle” policies of the development plan which pull in favour of granting planning permission (including Policies CS10 and ENV.19, and parts of Policies ADPP1 and ADPP5). As such, the conflict with these policies attracts moderate weight in the planning balance against granting planning permission.

*Conflict of proposed new dwellings with Policies ADPP1, ADPP5, CS1 and C1*

23.6 The housing supply policies of the development plan normally attract substantial weight, and the erection of two dwellings in open countryside is in direct conflict with these policies. However, in the context of the other considerations in this balance, it must be recognised that the new dwellings are a small element of the overall proposal, and the NPPF allows for the development of isolated homes in the countryside where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets (a case for which is made out in the application). As such, in this particular case, the conflict with the housing supply policies attracts moderate weight against granting planning permission in light of the enabling development case.

*Conservation of the AONB*

23.7 According to paragraph 172 of the NPPF, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. In this instance, the degree of harm is considered to be moderate, in light of the enabling development case. The Council’s consultants have confirmed that the quantum of development represents the minimum level of development to secure the future of the heritage asset. To secure the future of the listed building a level of harm is accepted. When considering that an extension, garage, replacement building at the Studio and boathouse was previously approved the harm is limited to the addition of the two new dwellings, car parking, lodges, and to the additional bulk of the coach house extension (over and above the garage previously approved). Amendments have been made to seek to reduce the impact on the character of the area and AONBs. On balance, and subject to conditions, it is considered that, in this particular case, the development is acceptable in this respect.

### *Harm to setting of listed building*

- 23.8 According to paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 23.9 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. According to Section 66, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 23.10 Whilst there are no conservation objections in terms of the direct impacts on the listed building, the six lodges and the two new dwellings would cause less than substantial harm to the setting of The Grotto. Historic England and the Council's conservation team agree that the harm to the listed building has been clearly justified and the public benefits are such to recommend that the sort and scale of the works are necessary if the building is to be conserved.

### *Economic development*

- 23.11 According to paragraph 80 of the NPPF, significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. As detailed in Section 14 of this report, the proposed development would make a significant contribution to the local rural economy due to the nature of scale of the business and the planning obligations to secure local employment. As such, the economic benefits of the proposal attract significant weight in favour of granting planning permission.

### *Other matters*

- 23.12 The various other considerations detailed in this report have been taken into account in this planning balance. Most of these are neutral considerations in the planning balance (where appropriate mitigation can be secured), or are relatively minor issues so as not to be determinative in the planning balance.

### *Enabling development*

- 23.13 According to paragraph 202 of the NPPF, local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 23.14 As detailed in Section 11 of this report, it is concluded that a genuine enabling development case for this specific development has been demonstrated.
- 23.15 This conclusion follows an exhaustive assessment and negotiation. Planning and Conservation Officers have engaged the specialist assistance of an expert consultant on enabling development (working on behalf of the Council) and Historic England to independently assess the enabling development case in accordance with the published Historic England guidance. This assessment and negotiation has



comprehensively tested the quantum of the proposed development, reviewed different design solutions for the extensions and houses, and considered alternatives such as proposing new homes that are ancillary to the C1 (hotel) use as opposed to the independent C3 (dwellinghouse) use, as proposed. It is therefore with a high degree of confidence that it is concluded that the proposed development represents the optimum viable use of the listed building which would secure its long term conservation with the least amount of harm possible.

- 23.16 Having regard to paragraph 48 of the NPPF (see paragraph 6.4) and the statutory duty, and applying the appropriate weight to the aforementioned issues, it is considered that the enabling development case attracts very considerable and overriding weight in the context of the other considerations in this planning balance. It is therefore considered that, on balance, the application be recommended for approval.

## **24. Legal agreement heads of terms**

- 24.1 Given that the proposal is a proven enabling development case the legal agreement will need to secure the benefits. The phasing of the works has been discussed between the case officer, conservation officer and applicant, and secures the conservation of the Grotto whilst also enabling the developer to release the appropriate funds from the dwellings to enable the restoration of the Grotto.

- 24.2 The legal agreement should also seek an employment strategy to secure local staff, and also a landscape retention strategy mainly for retention of existing vegetation on the riverside, to the north of the two dwellings. This strategy would be based on the landscaping scheme to be secured through the planning conditions. This landscaping retention gives an extra level of protection and legal standing. The following comprises the heads of terms, and the exact wording will be developed in conjunction with the Council's planning and legal teams and the applicant:

### **1. Proposed Phasing Works**

1. Works to the existing Grotto to make it structurally sound, and wind & watertight. (This includes new windows, repairs to the external walls, and all roof works, and any structural work required to make the building sound), and will be advised by a Schedule of Works.
2. Completion and occupation of one of the new houses.
3. Reconstruction of the lost east and north wings to the Grotto. Construction of the new west wing to the Grotto.
4. Construction of the Coach House extension.
5. Internal renovation works of the existing Grotto, to be set out in a Schedule of Works.
6. Completion and occupation of the second new house.
7. Phase 1 external works.
8. Occupation of the hotel facilities.
9. Completion of the leisure facility and spa building.
10. Completion of the new 6 no detached lodges.
11. Completion of the boathouse.
12. Completion of external works.

The Schedule of Works for the internal and external works would be attached to the Section 106 legal agreement.

### **2. Time limit for carrying out repairs**

The owner hereby agrees that it will within 14 days of the occupation of any dwelling within Phases 2 and 6 commence the repairs as set out in the phased stages in point 1 (above) and will use reasonable endeavours to complete the same to the reasonable satisfaction of the Council in accordance with the estimated duration of the works in response to point 3 (below).

3. Notification in writing of dates of the following:

Implementation of planning permission;  
Practical completion of each phase;  
Commencement of each Phase of the Repairs and estimated duration of those works.

4. Management Plan

Before implementing the planning permission the owner shall have agreed in writing with the Council the terms of a Management Plan. The purpose of such an obligation would be to secure the long-term maintenance of the building and surrounding landscape that forms the subject matter of the enabling development to which the planning agreement relates. This legal form of management plan is not synonymous with a conservation management plan (CMP), but Historic England advise that if the latter has been prepared, the management plan will normally incorporate its relevant management provisions. A CMP can therefore form the background to the Management Plan.

5. Employment skills plan

Before implementing the planning permission the owner shall provide the Council with an Employment and Skills Plan to identify and promote employment opportunities generated by the development, in conjunction with the appropriate bodies (e.g. Job Centre); to target West Berkshire and Basildon ward (to be agreed) based workforces; seek to secure an apprenticeship scheme; and include a timetable for implementation. To implement the employment and skills plan, and provide a monitoring schedule.

6. Landscape retention and management plan

In association with the landscaping scheme and landscaping management plan to be agreed by conditions 10, 11 and 12 of the accompanying planning permission, as landscape management and retention strategy shall be submitted and approved by the Council. The strategy should ensure that riverside vegetation, to the north of the two dwellings, be retained and managed in perpetuity. No trees or other vegetation, outlined within the strategy shall be removed without the written authority of West Berkshire Council, unless for routine maintenance. The plan shall be submitted prior to the first use of the first residential property, in phase 2.

Alternatively, such landscape retention could be put into the Conservation Management Plan to be prepared to inform the Management Plan set out in point 4, as above.

**25. Recommendation**

- 25.1 To delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following conditions, and the **completion of a Section 106 legal agreement** within three months of the date of this permission (or a longer period of time agreed by the Head of Development and Planning in consultation with the Chairman/Vice Chairman of the Eastern Area Planning Committee and Ward Member).

**Or**, if the S106 legal agreement is not completed within the above timeframe, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION** for failure to secure the Heads of Terms detailed in Section 24 of this report, as set out in Section 25.2.

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 hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- (i) 1503\_3100 (location plan) and 1503\_3222 (Spa elevations and sections) received on 1/01/2017;
- (ii) 1503\_3228 and 3219 (boathouse elevations and floor plans) received on 02/02/2017;
- (iii) 1503\_3105 P2 (site plan proposed), 1503\_3210 P1 (hotel spa and lodges lower ground floor plan), 1503\_3211 P1 (hotel spa and lodges ground floor plan), 1503\_3213 P1 (hotel spa and lodges first floor plan), 1503\_3214 P1 (hotel spa and lodges roof plan), 1503\_3215 P1 (houses lower ground floor plan), 1503\_3216 P1 (houses ground floor plan), 1503\_3217 P1 (houses first floor plan), 1503\_3217 P1 (houses roof plan), 1503\_3220 P1 (hotel and spa north and south elevations), 1503\_3221 P1 (hotel and spa east and west elevations), 1503\_3224 P1 (lodges north and south elevations), 1503\_3230 P1 (hotel sections AA & BB), and 1503\_3231 P1 (hotel sections CC) received 21/11/18;
- (iv) 1503\_3227 P2 (houses typical elevations) received 07/01/19.

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

3 **Hotel and lodges C1 use**

The Grotto building with extensions and the lodges hereby permitted shall be used solely as a hotel use and for no other purpose including any other purpose in Class C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an order revoking and re-enacting that Order, with or without modification).

Reason: Any other use may not be acceptable on the site, given the particular case made for the hotel development on this site, and the sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, ADPP5, CS10, CS11, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006

(Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

**4 Hotel number of bedrooms restricted to 53**

The number of bedrooms within the hotel shall be limited to 53, unless permission has been granted on an application made for that purpose.

Reason: Given the particular case made for a boutique hotel, highway and parking Impacts, and the character of the area and the Areas of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, ADPP5, CS10, CS11, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006 -2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

**5 Materials (houses)**

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**6 Materials (hotel, extension, lodges, coach house extension, spa, boathouse)**

No development of the conversion of the hotel, extensions (including coach house extension), spa, lodges and boathouse shall take place until a schedule of the materials to be used in the construction of the external surfaces of the two dwellings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**7 Lighting scheme**

No development (of either the residential dwellings or the works to the Grotto) shall take place until details of the external lighting to be used across the site (for the residential dwellings, in the car parking areas, to the Grotto building, to the

extensions, to the lodges, to the spa, to the tennis courts, to the boathouse, and within the grounds hereby permitted) have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the buildings, including the residential dwellings hereby permitted are occupied, or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development and to protect the character of the area, and in consideration of the ecological value of the site. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

**8 Ground levels**

No development shall take place until details of the finished floor and ground levels of the dwellings, coach house extension, spa, lodges and car parking areas hereby permitted in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure the ground levels are appropriate on site, taking into account the site's sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

**9 Boundary treatment**

Should any new or replacement fencing or other means of enclosure be proposed no development shall commence on site until details of all fencing and other means of enclosure 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 a schedule of materials and drawings demonstrating the layout of the means of enclosure. Thereafter, and where appropriate, the hotel and dwellings shall not be first brought into use until the fencing and other means of enclosure have been erected in accordance with the approved details.

Reason: Fencing can have a significant impact upon the rural and historic character of the site and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**10 Landscaping scheme**

No development or other operations shall commence on site until a detailed scheme

of landscaping for the site is 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 or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping, to aid in softening the impact of development in this sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty and adjacent to the Chilterns Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**11 Landscape management scheme**

No development or other operations shall commence on site until a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

Reason: To ensure the long term management of existing and proposed landscaping. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**12 Tree protection scheme**

No development or other operations (including site clearance and any other preparatory works) shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, to be in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase. This condition is imposed

in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**13 Tree protection – construction precautions**

No development or other operations shall take place until details of the proposed access, hard surfacing, drainage, soakaways and services providing for the protection of the root zones of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**14 Arboricultural method statement**

No development, site clearance and/or other preparatory works shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**15 Arboricultural supervision**

No development or other operations (including site clearance, demolition and any other preparatory works) shall take place until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.

**16 Parking/turning in accordance with plans (hotel use)**

The hotel shall not be brought into use until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking (of private motor cars and 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 (March 2012), 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).

**17 Access construction**

The hotel shall not be brought into use until the proposed access onto the public highway has been constructed in accordance with the approved drawings.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**18 Passing places**

The hotel shall not be brought into use until the passing places proposed within the access have been constructed in accordance with the approved drawings.

Reason: In the interest of road safety, to avoid conflict between users of the hotel and facilities. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**19 S278 highway works**

The hotel shall not be brought into use until the following highway works have been completed:

- a. Provision of new access onto the A329 as shown on drawing GA008 Rev A
- b. Closure of existing access onto the A329 with reinstatement of verge
- c. Any associated works

The works shall be completed under a section 278 Agreement of the Highways Act 1980 or other appropriate mechanism

Reason: In the interest of road safety and to achieve the necessary visibility splays for the use of the road from the A329 by hotel users. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**20 Travel plan**

No development relating to the hotel use shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the hotel first being brought into use. It should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS10, CS14 and CS15 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006), and the Village Design Statement for Basildon.



**21 Cycle parking**

The hotel shall not be brought into use until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

**22 Ecology – protective fencing**

No development or site works shall commence until protective fencing has been erected at the boundary of the retained habitat area. This boundary must include any root protection area as identified within the arboricultural report (ACD Arboriculture 2014 and 2014b). This must include a standoff zone of at least 5 metres for all vehicles. Constriction vehicles will make use of existing hard standing areas where possible to protect these areas from root compaction.

Reason: In response to the loss of the meadow grassland and to protect the remaining habitat areas. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

**23 Ecology – Reptile receptor sites**

No development or site works shall commence until the reptile receptor sites identified in Appendices L and N of the PV Ecology Phase II Bat and Reptile Report have been put in place and surrounded by suitable reptile fencing.

Reason: In response to the loss of the meadow grassland and to protect the remaining habitat areas. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

**24 Habitat Enhancement and Management Plan**

No development or site works shall commence until a Habitat Enhancement and Management Plan (HEMP) has been submitted to and approved in writing by the Local Planning Authority. This should detail the planting, enhancement and long-term management of the site that will mitigate for the loss of any habitats with existing value to wildlife.

Reason: To protect and enhance biodiversity features on site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

**25 SuDS**

The development hereby permitted shall not be brought into use and no dwelling hereby permitted shall be occupied until the sustainable drainage measures identified in the Flood Risk Assessment by Glanville have been provided in accordance with the approved details. The sustainable drainage measures shall be maintained in the

approved condition thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design – Part 4 Sustainable Design Techniques (June 2006).

**26 Works adjacent to river**

No development shall commence on the boathouse until a landscape and ecological management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas within 10 metres of the top of the river bank has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape management plan shall be implemented in full in conjunction with the construction of the boathouse element only.

The scheme shall include the following elements:

- clear identification of the areas of river bank that are to be returned to a natural state and/or enhanced. This should include a clear statement and drawings relating to the length of river bank to be enhanced for biodiversity;
- The naturalised banks should include a thick margin of natural vegetation left to develop rather than be mown as a formal landscaped edge;
- The banks should slope down gently to the waters edge and be planted with suitable wetland species;
- The existing mooring platforms downstream of the proposed boathouse and its associated moorings (should they still be in place) shall be removed within three months of the first use of the boathouse.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

**27 Boathouse voids**

No development shall commence on the boathouse until drawings illustrating the insertion of voids within the walls of the boat house have been submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To allow the free flow of water through the building during a flood. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

**28 No amplified music**

No amplified or other music shall be played from the external area surrounding the hotel, unless permission has been granted in writing by the Local Planning Authority in respect of a planning application.

Reason: To safeguard the amenities of surrounding occupiers, and in respect of the

existing tranquillity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**29 PD rights for houses**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and E of that Order shall be carried out on the two dwellings hereby approved, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: The two dwellings have been approved under exceptional circumstances, and further development should be considered in full by the Local Planning Authority, given the dwellings' location within the North Wessex Downs Area of Outstanding Natural Beauty, adjacent to the Chilterns Area of Outstanding Natural Beauty, and within the setting of a Grade II listed building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP4, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

**30 Unexpected contamination**

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

Reason: In order to protect the amenities of proposed occupants and users of the application site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**31 Protection from external noise**

No development on the two residential dwellings shall commence until details of a scheme of works, for protecting the occupiers of the development from externally generated noise, shall be submitted to and approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed before the dwellings are first brought into use.

Reason: In order to protect the amenities of proposed residents of the Dwellings. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**32 Design criteria for noise from new plant**

Noise resulting from the use of new plant such as mechanical ventilation units, extract systems, air source heat pumps, air conditioning units etc shall meet the design

criteria detailed in paragraph 7.6 of the Noise Impact Assessment by Ian Sharland, ref M3796, dated 12 January 2017.

Reason: In the interests of the amenity of neighbouring residents (including those of the two new dwellings). This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan 1991- 2006 (Saved Policies 2007).

**33 Archaeology**

No site works or development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

**34 Hours of construction**

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

7:30am to 6:00pm Mondays to Fridays;  
8:30am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

**35 Hours of deliveries**

No deliveries shall be taken at the site outside the following hours:

7:30am to 6:00pm Mondays to Fridays;  
8:30 am to 1:00pm Saturdays;  
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

**36 Construction Management Plan**

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

- (a) 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) Wheel washing facilities;
- (e) Measures to control the emission of dust and dirt during construction;

- (f) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

Reason: To safeguard the amenity of adjoining land uses and occupiers, in the interests of highway safety, and to ensure construction related features do not have adverse impact on the grounds of the listed building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Basildon.

**37 Water Supply**

No development shall commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS5 of the West Berkshire Core Strategy (2006-2026).

**INFORMATIVES**

**1 Proactive actions of the LPA**

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Engaged with specialist advisors to assess the enabling development case and the impact on the Areas of Outstanding Natural Beauty.
- c) Negotiated amended plans to limit the harm to the setting of the listed building and AONBs.

**2 Tie to LBC**

The planning permission will need to be undertaken in conjunction with a Listed Building Consent, which is yet to be determined.

**3 EA Water resources**

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Contact the National Customer Contact Centre on 0870 8500 250 for further details.

- 4 **EA permit**  
The developer shall ensure the correct permits are obtained from the Environment Agency in relation to the boathouse, inlet and any other works to the riverside.
- 5 **Thames Water**  
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 6 **Thames Water**  
Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 7 **Thames Water**  
Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 8 **Thames Water**  
Any property involving a swimming pool with a volume exceeding 10 cubic metres of water will need metering. The Applicant should contact Thames water on 0800 316 9800.
- 9 **Construction/demolition**  
The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

## 25.2 **REFUSAL REASONS**

The application fails to provide a Section 106 Planning Obligation to deliver the necessary phasing of works to secure the future of the listed building in relation to the enabling development elements, and for mitigation measures, including:

- (a) Phasing of the repair of The Grotto house and construction and occupation of the enabling development elements, together with timings, without which the proposal would be contrary to the NPPF and Historic England's guidance on 'Enabling Development and the Conservation of Significant Places';
- (b) Management Plan to secure the long term maintenance of the Grotto and surrounding landscape, without which the proposal would be contrary to the NPPF

and Historic England's guidance on 'Enabling Development and the Conservation of Significant Places'.

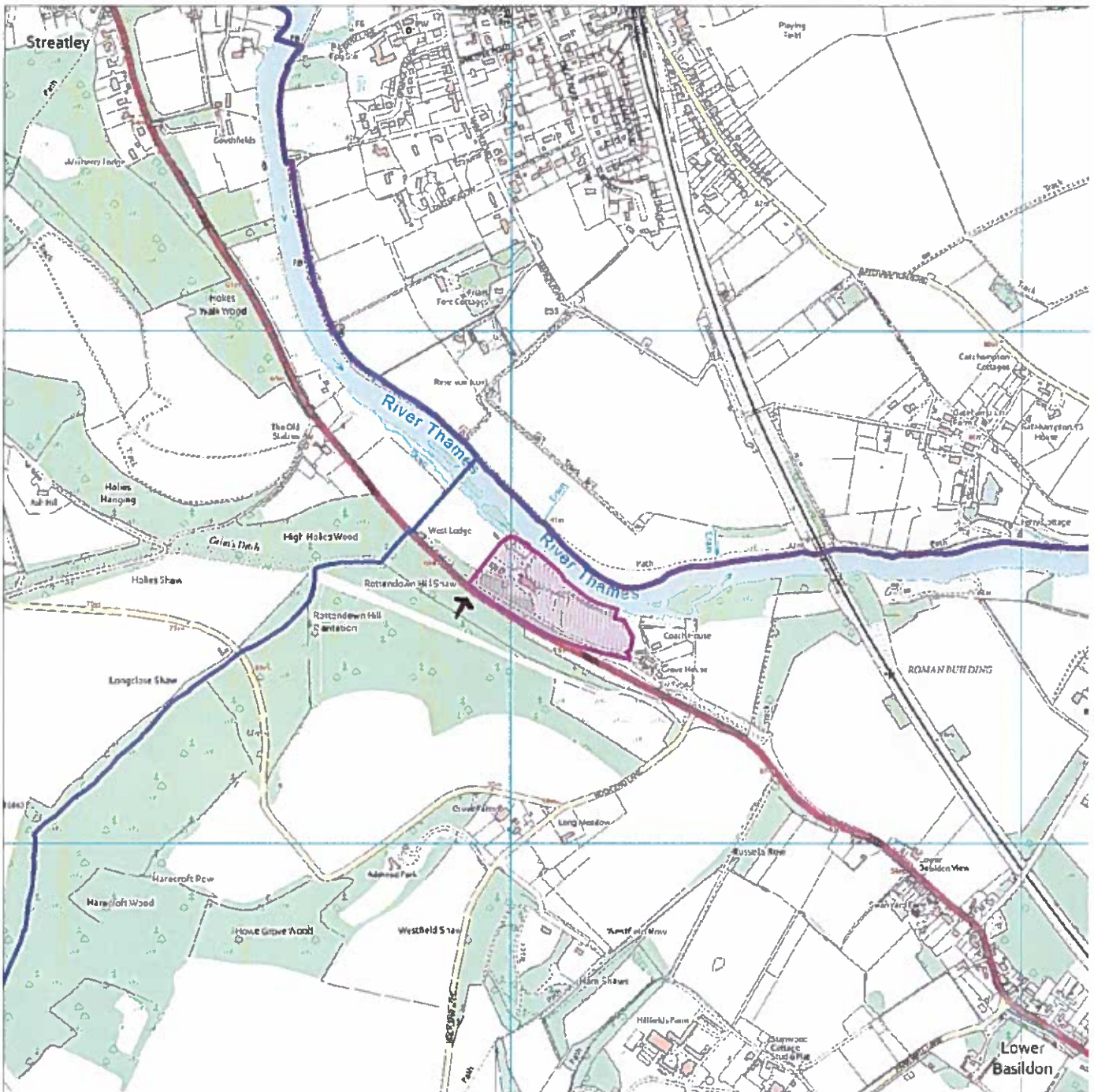
- (c) Employment Skills Plan to identify and promote employment opportunities generated by the development, without which the proposal would be contrary to the NPPF, and Policies CS9 and CS10 of the West Berkshire Core Strategy (2006-2026).
- (d) Landscape retention and management strategy, without which the proposal would be contrary to the NPPF, and Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

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17/00186/COMIND

The Grotto, Lower Basildon, Reading RG8 9NE

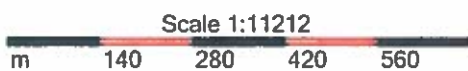


Map Centre Coordinates :

Scale : 1:11212

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	06 December 2018
<b>SLA Number</b>	0100024151

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# Agenda Item 5.

## APPEAL DECISIONS EASTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
PANGBOURNE 18/00398/FULD  Pins Ref 3202871	Bere Court Farm Bungalow Bere Court Pangbourne (Mr R Mohammed)	Removal of existing bungalow and erection of replacement dwelling with associated parking, turning, landscaping, private amenity space and access arrangements	Delegated Refusal	Allowed 18.12.18
HOLYBROOK 18/00486/OUTD  Pins Ref 3209656	1 Sharnwood Drive Calcot Jack Album	Outline application for one flat and associated parking. Matters to be considered: Access and Layout	Delegated Refusal	Dismissed 28.12.18
BUCKLEBURY 18/00295/FULD  Pins Ref 3207331	Land Adjacent To Thatchers Chapel Row Dino Defazio	Erection of one 4-bed dwelling with associated car parking.	Delegated Refusal	Dismissed 2.1.19
SULHAMSTEAD 18/01013/FULD  Pins Ref 3209346	Land South of Jordans Lane, Burghfield Common Roger Howarth	Erection of two new dwellings - 1 x 3 bed house and 1 x 2 bed two storey bungalow	Delegated Refusal	Allowed 24.12.18
TILEHURST 18/00117/FUL  Pins Ref 3209712	27 Dell Road Tilehurst Charles Mabbett	Demolition of existing bungalow and erection of a new chalet style bungalow with mansard roof with improved thermal standards	Delegated Refusal	Dismissed 4.1.19

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