

# Notice of Meeting



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## Eastern Area Planning Committee

**Wednesday 17th July 2019 at 6.30pm**

**At the Calcot Centre, Highview (off Royal Avenue), Calcot, RG31 4XD**

### Members Interests

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

Date of despatch of Agenda: Tuesday, 9 July 2019

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

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

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

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

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

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**Agenda - Eastern Area Planning Committee to be held on Wednesday, 17 July 2019**  
*(continued)*

Any queries relating to the Committee should be directed to Jessica Bailiss or Joanna Reeves on (01635) 503124 / (01635) 519486 Email: [jessica.bailiss@westberks.gov.uk](mailto:jessica.bailiss@westberks.gov.uk) / [joanna.reeves@westberks.gov.uk](mailto:joanna.reeves@westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 17 July 2019**  
(continued)

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

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

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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting.
2. **Minutes** 5 - 24  
To approve as a correct record the Minutes of the meeting of this Committee held on 26<sup>th</sup> June 2019.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
  - (1) **Application No. & Parish: 19/00031/FUL - Land west of Hill place, Bath Road, Woolhampton** 25 - 36

**Proposal:** Retrospective application. Erection of 2 day rooms, 2 mobile homes, and 2 touring caravans, for occupation by gypsies/travellers. Creation of new access onto highway and hardstanding. Erection of fencing

**Location:** Land west of Hill place, Bath Road, Woolhampton

**Applicant:** Tammy Black and James Tombs

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



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 17 July 2019**  
(continued)

- (2) **Application No. & Parish: 19/00713/COMIND - Bere Court Farm Bungalow, Bere Court, Pangbourne, Reading** 37 - 50

**Proposal:** Section 73A: Variation of condition 2: approved plans, of planning permission 16/01419/COMIND

**Location:** Bere Court Farm Bungalow Bere Court Pangbourne Reading Berkshire RG8 8HT

**Applicant:** Mr Rehman Mohammed

**Recommendation:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (section 8.2).

**Background Papers**

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

Sarah Clarke  
Head of Legal and Strategic Support

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



## 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, 26 JUNE 2019**

**Councillors Present:** Peter Argyle, Alan Law (Chairman), Alan Macro, Geoff Mayes, Graham Pask, Joanne Stewart, Andrew Williamson and Keith Woodhams (Substitute) (In place of Royce Longton)

**Also Present:** Sharon Armour (Solicitor), Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), Bob Dray (Development Control Team Leader) and Matthew Shepherd (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Jeremy Cottam and Councillor Royce Longton (Vice-Chairman)

#### **PART I**

##### **8. Minutes**

The Minutes of the meetings held on 10 April 2019, 21 May 2019 and 5 June 2019 were approved as true and correct records and signed by the Chairman, subject to the following amendment to the Minutes of the meeting on 5 June 2019:

**Item 6(2) – 18/03287/FULD – land to the rear of 42-48 Long Lane, Tilehurst – Condition 5:**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows/roof lights (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B or C of that Order shall be constructed on the north, south, west, and east elevations of **each** dwelling, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

##### **9. Declarations of Interest**

There were no declarations of interest received.

##### **10. Schedule of Planning Applications**

Councillor Alan Law, Chairman of the Eastern Area Planning Committee, outlined, for the benefit of members of the public in attendance, the processes in place for determining planning applications and the workings of the Planning Committee as part of that.

The majority of planning applications (97%) were dealt with solely by Planning Officers under delegated powers, with only a small number of applications coming before Planning Committees. These were applications where the local Ward Member had requested the application be considered by Committee, generally because of a high degree of local interest. Another particular example were cases where Planning Officers had recommended approval of an application, but there were ten or more objections received.

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Councillor Law then raised the important point that Committee Members would apply and consider exactly the same national and local planning policies as the Officers when considering each application.

The Committee could not make up, ignore or change policy at a meeting. Members considered and applied planning policies only. Other policies or laws such as Licensing or public nuisance were not planning considerations.

It was also the case that the Committee would not add more or less weight to a viewpoint simply because that viewpoint had a larger or smaller number of supporters or objectors, if the viewpoint was not relevant in planning policy terms.

Councillor Law then described the running order for the consideration of each item. This included clarification of the five minute speaking right for each category of speakers. At the conclusion of considerations for each planning application, a motion would be called for and seconded and a vote taken to either approve planning permission with conditions, refuse the application or, in some cases, defer the decision to a subsequent Planning Committee.

Finally, it was clarified that the items on this agenda would be taken in the following order: 1. Saffron House, Stanford Dingley; 2. The Swan at Streatley, High Street, Streatley. This was due to the greater level of public attendance for The Swan at Streatley and the expectation that it would require a lengthier debate.

### **(1) Application No. & Parish: 18/03400/FULD - Saffron House, Stanford Dingley**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/03400/FULD in respect of the proposed demolition of existing barn and its replacement with a new four bedroom dwelling with two cart sheds, and alterations to existing access detail on land adjacent to Saffron House, Stanford Dingley.

In accordance with the Council's Constitution, Mr Shaun Tanner/Mr Daniel Kellett, applicant/agent, addressed the Committee on this application.

#### **Applicant/Agent Representation**

Mr Kellett in addressing the Committee raised the following points:

- The principle of development had been established. This application sought approval of a variation to the extant planning consent for application 17/01051/FULD.
- These variations, if approved, would achieve improved visibility and sight lines in comparison to the extant scheme, improved access and it would simplify the look of the barn conversion to a more traditional appearance. Mr Kellett highlighted that smaller windows were proposed for the elevation facing the road. The increased ridge height would enhance the first floor space.
- No objections had been received from statutory consultees. It was supported by the Case Officer and Conservation Officer. The professional opinion was that the proposal was acceptable.
- The overall footprint of the building would only increase by 2% in comparison to the existing permission. The length and width would in fact reduce.

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

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Councillor Keith Woodhams queried whether it would be possible to salvage any of the original fabric of the barn, a point questioned in the update report. Mr Tanner considered this to be highly unlikely as the existing barn and its materials were in a poor condition.

### **Ward Member Representation**

Councillor Graham Pask, speaking as Ward Member, raised the following points on behalf of Stanford Dingley Parish Council:

- This was a very sensitive site which was located on the main route through the village. It was the only remaining building with a connection to the tannery.
- The need for development had however been accepted, but the Parish was supportive of the extant permission as it would be a more sensitive design than the proposal.
- The Parish Council had the following particular concerns, which had been raised at the site visit:
  - A Heritage Impact Assessment had not been provided which was a requirement of the National Planning Policy Framework (NPPF) The Local Authority was aware of the historical significance of the location within the conservation area. Paragraphs 189 and 190 of the NPPF placed a requirement on local planning authorities to protect such assets and request the completion of a Heritage Impact Assessment. A heritage asset should be conserved and where possible enhanced. The proposal also needed to accord with Policy CS19 of the Core Strategy. The Parish Council did not feel that enough had been done to adhere to policy requirements and greater weight should have been given to this in the Planning Officer's report. The Parish Council view was that the application could not be determined until the Heritage Impact Assessment had been completed and submitted.
  - The massing and height of the proposal. The proposed dwelling was 24% higher than either the existing barn or the extant scheme. This application, if approved, would result in a bulky appearance, particularly when approached from Chapel Row. This would be out of keeping with other dwellings in the village and conservation area. This was a particularly important consideration in a conservation area. Light spillage was a concern when considering the fenestrations.

### **Member Questions to Ward Member**

There were no questions raised by Members.

### **Member Questions to Officers**

Councillor Alan Law referred to the site visit where a discrepancy had been highlighted in relation to the height of the proposed dwelling. In response, Bob Dray, Development Control Team Leader, explained that measurements had been recorded by Officers and this was outlined in the plans and drawings. A condition of approval was for finished floor levels to be submitted and approved by the Local Planning Authority. In conclusion, Officers were comfortable on this point.

Councillor Alan Macro queried the absence of the Heritage Impact Assessment. Mr Dray made reference to paragraphs 189 and 190 of the NPPF which stated the need, at minimum, to consult the relevant historic environment record and assess heritage assets using appropriate expertise where necessary. This action was described in the update report and the Council's Archaeologist had advised that there was no further information

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on the Historic Environment Record about the barn or Saffron House. The suggested link to a tannery was considered feasible but could not be confirmed.

In conclusion on this point, Mr Dray advised that while a Heritage Impact Assessment had not been undertaken, Officers were of the view that sufficient information was available to determine the application. The Conservation Officer found the proposal acceptable subject to conditions.

Mr Dray reminded Members that the existing building could be demolished in accordance with the extant permission.

In response to questions of clarity from Councillor Andy Williamson, Mr Dray confirmed that the requirement for a Heritage Impact Assessment was a policy but not a legal requirement. As such, the requirement could be deviated from if there were grounds on which to do so. Mr Dray also clarified that considerations should be restricted to the changes proposed from the extant scheme, i.e. height and the impact of these changes.

Mr Dray further confirmed, in response to a query from Councillor Law, that the fact that the extant permission was granted under the Council's previous countryside policies, which had since been changed, was not a material point for this application.

### Debate

Councillor Pask reiterated the point that there was no argument in relation to the principle of development as the extant permission was in place. However, the site was located in a conservation area and this status was not granted lightly. Members needed to consider the impact of this proposal in comparison to the extant permission. The Parish Council felt that the height and bulk of the proposed dwelling was a material change in what was a prominent and sensitive location in Stanford Dingley. It was noted that the existing building was deteriorating but the Parish had questioned whether the proposal was in keeping with the local area. The glazing proposed to the front of the dwelling was of particular concern.

Councillor Williamson queried how the height of the proposed dwelling compared with the height of adjacent dwellings as those adjacent appeared to be higher in the diagrams. Mr Dray confirmed that to be accurate.

Councillor Geoff Mayes proposed acceptance of Officers' recommendation to approve planning permission. This was seconded by Councillor Williamson.

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

### Conditions

1. The development shall be started within three years from the date of this permission.

Reason: To enable the Local Planning Authority to review the desirability of the development and to comply with Section 91 of the Town and Country Planning Act (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) should it not be started within a reasonable time.

2. The development hereby permitted shall be carried out in accordance with the documents and plans listed below:
  - Proposed Floor Plans 1 of 2, reference 3544/212 revision D, received on 12 March 2019
  - Proposed Floor Plan 2 of 2, reference 3544/213 revision C, received on 12 March 2019



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- Block and Location Plan, reference 3544/210 revision B, received on 12 March 2019
- Proposed Cart Shed B Elevations, reference 3544/216 revision C, received on 12 March 2019
- Proposed Cart Shed A Elevations, reference 3544/215 revision D, received on 12 March 2019
- Proposed Site Plan, reference 3544/211 revision E, received on 12 March 2019
- Proposed Elevations, reference 3544/214 revision A, received on 06 June 2019
- Report of the Structural Condition of Saffron House barn by Birds Associates reference 7136, received on 29 April 2019
- Bat Roost Assessment of Barn and Garage at Saffron House Stanford Dingley by GS Ecology dated 12 April 2019 received on 23 April 2019

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

3. 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) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
  - (e) Wheel washing facilities;
  - (f) Measures to control the emission of dust and dirt during construction;
  - (g) A scheme for recycling/disposing of waste resulting from demolition and construction works;

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

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To promote cycling by providing convenient and safe bicycle storage. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026, Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006).

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5. No development shall take place until full details of how all spoil arising from the development and how any materials arising from the demolition of the existing barn will be used and/or disposed of have been submitted to and approved in writing by the Local Planning Authority. These details shall:
- (a) Show where any spoil to remain on the site will be deposited;
  - (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
  - (c) Include measures to remove all spoil (not to be deposited) from the site;
  - (d) Include measures to remove any materials arising from the demolition of the existing barn from the site;
  - (e) Include timescales for the depositing/removal of spoil and removal of any materials arising from the demolition of the existing barn.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and any materials arising from demolition, and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies ADPP5 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Stanford Dingley Parish Design Statement 2010.

6. No development shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the dwelling, cart sheds and hard surfaced areas hereby permitted and a full landscape plan, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved 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 (February 2019), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C3 of the Housing Site Allocation DPD (2017), Supplementary Planning Document Quality Design (June 2006) and Stanford Dingley Parish Design Statement 2010.

7. No development shall take place until details of the finished floor levels of the dwelling and cart sheds 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 a satisfactory relationship between the development hereby approved and the surrounding area in accordance with National Planning Policy Framework (February 2019), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C3 of the Housing Site Allocation DPD (2017), Supplementary Planning Document Quality Design (June 2006).

8. No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the buildings hereby permitted are occupied.

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Reason: The boundary treatment is an essential element in the detailed design of this development 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 (February 2019), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C3 of the Housing Site Allocation DPD (2017), Supplementary Planning Document Quality Design (June 2006) and the Stanford Dingley Parish Design Statement for 2010.

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

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- f) Include details of how the SuDS measures will be maintained and managed after completion, including for access arrangements. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

10. The dwelling shall not be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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11. The dwelling hereby approved shall not be occupied until the visibility splays at the site accesses have been provided in accordance with drawing number 3544/211 received on February 18th 2019. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

12. 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;

or 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 (February 2019), and 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).

13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows/roof lights (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B or C of that Order shall be constructed on the north, south, west, and east elevations of the dwelling, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: In the interests of respecting the character and appearance of the surrounding AONB area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, outbuildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C, D, E and F of that Order shall be constructed, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: To prevent the overdevelopment or inappropriate development of the site and in the interests of respecting the character and appearance of the surrounding AONB area. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

15. The development hereby approved shall not proceed except in accordance with the ecological mitigation measures detailed within the Bat Roost Assessment of Barn and Garage at Saffron House Stanford Dingle by GS Ecology dated 12 April 2019 received on 23 April 2019 unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 17 of the West Berkshire Core Strategy (2006 – 2026).

16. The dwelling hereby approved shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings, the area of the site designated for the parking and charging of electric vehicles on the approved plan shall thereafter be kept available for this use all times.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that order), Cart Shed A and Cart Shed B as labelled on the approved plans shall not be used for any purpose other than as car parking accommodation, nor shall any door, wall or other means of enclosure or stopping up of the entrances to the cart sheds be undertaken, unless permission has been granted in respect of a planning application.

Reason: To ensure that the cart sheds (car ports) are kept available for vehicle parking in the interest of road safety and in order to comply with policy P1 of the Housing Site Allocations DPD. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **(2) Application No. & Parish: 18/02975/FUL - The Swan at Streatley, High Street, Streatley**

*(Councillor Alan Law opened the item by explaining that he was both the Ward Member for The Swan Hotel application and also Chairman of the Committee. As such he had consulted the Council's Legal Team and had received assurance that there was no conflict of interest in this case.*

*Councillor Law added that he had acted properly at all times in the run up to this Committee and kept an open mind on the issues before Members. However, he explained that he wanted to avoid the risk that as Chairman he might have to use a casting or deciding vote on this matter which was within his Ward. Councillor Law therefore decided that in the circumstances, he would stand down from the Chair for the hearing of this application).*

As the Vice-Chairman had given his apologies for this meeting, it was necessary to appoint a Member to Chair the item. Councillor Alan Macro proposed Councillor Graham Pask, this was seconded by Councillor Peter Argyle and agreed by Members.

*(Councillor Graham Pask in the Chair)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/02975/FUL in respect of an application for planning permission for the formation of an overflow car parking area and associated landscaping at The Swan at Streatley.

Mr Matthew Shepherd, Senior Planning Officer, presented the report to Members and drew attention to the points raised in the update report.

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Further earlier site history related to the proposed car park site had been found to be relevant and was presented in the update report. The planning applications in each of these cases had been refused due to the impact they would have on the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB) and the site's location external to the settlement boundary.

The NWD AONB Board had lodged an objection to the application and commented that the proposed development did nothing to conserve or enhance the natural and scenic beauty of the AONB.

The Conservation Officer's concerns in relation to the harmful cumulative impact on the listed building and conservation area were outlined in the report. The Conservation Officer concluded that the proposal would constitute less than substantial harm when set against the test in the National Planning Policy Framework (NPPF). However, the Conservation Officer felt that the justification in support of this application had not been provided that would overcome this harm. The Conservation Officer considered that the benefits of the proposal did not outweigh the harm to the designated heritage assets.

Mr Shepherd then drew attention to the section in the report on the impact on highway safety which related to the permission granted for the redevelopment work for The Swan – application 16/2364/FUL. The design and access statement for this application noted explicitly that “It is considered that the works proposed as part of this application will not materially affect the number of visitors to the site and as such will not have any effect on the current parking provision on site.”

The Council had however requested that the applicant produce a formal assessment of the expected impact on the local road network in respect to safety, flows and convenience from successful and unsuccessful attempts to park at the site once the redevelopment of The Swan had completed. However, this had not been submitted making it difficult for Officers to reach a conclusion on whether or not there had become a need for the overflow car parking area.

Streatley Parish Council would be addressing Members, but Mr Shepherd highlighted that while the Parish did not object to the application, this was on the basis that no precedent would be set for further development on the site. However, this was something which could not be controlled by conditions.

Mr Shepherd then highlighted that 46 letters of support had been received to the proposed development and only 4 letters of objection. Members therefore had to balance their decision based on the benefits that approval of the application could bring, i.e. the growth of The Swan and the associated need for additional car parking which had been applied for, with the harm described to the AONB and Conservation Area. Economic/business growth was supported by the Council, but this needed to be sustainable in the longer term when it came to determining a planning application.

The number of additional car parking spaces sought, together with details of current capacity, was detailed in the update report as requested at the site visit. In summary, the current capacity after taking account of the current development of the site, there were 100 spaces. The proposed overflow car park would provide an estimated 89 spaces.

Mr Shepherd concluded by explaining that the Officer recommendation was to refuse planning permission due to the harmful impact the development would have on the AONB and Conservation Area, and the absence of the highway impact information that had been requested.

In accordance with the Council's Constitution, Mr Jeremy Spring and Mr Martin Jubb, Parish Council representatives, Mr John McGahan and Mr Ian Judd, supporters, and Mr

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John Gripton and Mr David Burson, applicant/agent, addressed the Committee on this application.

### **Parish Council Representation**

Mr Spring in addressing the Committee raised the following points:

- In the majority of cases Streatley Parish Council would object to an application which fell outside of the settlement boundary for fear of creating a precedent. However, the Parish was supportive of this application.
- The application had the overwhelming support of residents living in Streatley, Goring and beyond.
- Traffic congestion and parking in Streatley was a point of concern for local residents. Car parking provision, external to The Swan, was limited to the small car park near the recreation area, meaning that High Street was used for car parking which created an issue in terms of congestion. In addition, there was no off street parking available for residents.
- The Morrell Room was the only meeting room in the village. It had no car parking provision and users of the room had been able to park in The Swan's car park. This was also the case for the church. The Swan's car park had been used for many years for these purposes. It was also available to the many walkers that visited the area.
- The usage of The Swan would increase significantly once the redevelopment had completed. It did not have sufficient car parking to accommodate this increase and the result would be increased congestion on High Street.
- The Parish Council felt that the harm described to the AONB would be mitigated by the proposed landscaping. Paragraph 6.1 of the report confirmed that the site was not located in the conservation area although it did sit adjacent to its boundary.
- The need for additional highways related information had been highlighted, however in May 2019 the Highways Officer had given support to the proposal for increased parking provision.
- Paragraph 4.1 of the report stated that only appropriate limited development would be allowed in the AONB if it would help to maintain a strong rural economy. The Parish considered that this application met this criterion.
- The Parish Council felt that permission could be granted subject to the inclusion of a condition that prevented further development on the car park site.

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

Councillor Geoff Mayes queried whether church goers parked on the access road that connected High Street to the church. Mr Spring explained that this was the case, however this was something that the Council's Public Rights of Way Officer had stated should not be taking place.

Councillor Alan Law referred to the point made by the Parish Council that 'permission could be granted subject to the inclusion of a condition that prevented further development on the car park site'. Councillor Law then drew attention to paragraph 13.5 of the report which stated that 'restrictions to the use of the land or any further development would not meet the six tests of the planning practice guidance. The land could, if permission is granted, be considered as previously developed land in the future therefore reducing the LPA's ability to resist future development'. This made it clear that

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approval of the application could not be subject to such a condition. He asked for the Parish Council's view based on that. Mr Spring was disappointed that this was the case, but understood that it would not fit with planning regulations. However, the Parish would still be in acceptance with the proposal without this condition.

### **Supporters Representation**

Mr Judd in addressing the Committee raised the following points:

- He explained that as Treasurer of the Morrell Room Management Committee he was fully aware of the viability of the Morrell Room.
- Many customers of the Morrell Room travelled by car and on average parking spaces were needed for 20 cars for each event held. There were no spaces available at the Morrell Room and the potential to park on High Street was very limited. For many years this issue had been resolved by the ability for customers to park at The Swan.
- Should this facility be removed then the financial viability of the Morrell Room would be put in serious jeopardy.
- Mr Judd agreed with the need to preserve the character of the area, but he did not feel that this proposal would be detrimental as the site would not be overlooked from the river.
- Approval of the application would result in the removal of parked cars from High Street and this would be an improvement.
- The Swan also made its car park available for the church. This was particularly important when the church needed to accommodate the many guests attending a wedding or a funeral.
- The application should be supported for the reasons explained.

Mr McGahan in addressing the Committee raised the following points:

- There was strong support for the application from many local residents.
- The expansion of The Swan had been approved and this would bring with it increased commercial activity. The parking need would significantly increase as a result.
- There was therefore the need for additional parking. There was already an acute shortage of parking provision in the area. External to The Swan, there were only ten spaces at most available on High Street. There were no other options.
- This highlighted the question of where the guaranteed additional vehicles would park if this application was refused.
- Traffic had already increased significantly over the bridge and had become a safety concern. This could worsen. The traffic level had grown since the cost of crossing the Whitchurch toll bridge had increased.
- Mr McGahan felt that the recommendation for refusal disregarded the practical needs of residents and he urged the Committee to consider approving this application as it would do much to solve the car parking issue.

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

Councillor Andy Williamson queried the economic impact on the village if the application was refused. Mr Judd felt that this could have a serious impact on the Morrell Room. It was a charity and the hall was well used by local people of all ages. To date customers



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had been able to park at The Swan and walk safely to the venue. If the ability to do so was lost then customers could look elsewhere, revenue would reduce and ultimately the Morrell Room could be forced to close.

Councillor Alan Law explained that Mr McGahan had written to himself, the Parish Council and Highways Officers seeking a long term solution to parking in Streatley. Councillor Law asked Mr McGahan if he agreed that the first step to finding this needed solution was to have a full understanding of the issue. If that was accepted then Councillor Law queried if this would need to be understood by first conducting a highways assessment/survey. Mr McGahan felt that a proper survey was needed to achieve a proper solution. He was surprised that nothing, to date, had been done to progress this.

Councillor Graham Pask queried if the existing use of The Swan car park was subject to any form of agreement. Mr Judd explained that this existed as a 'gentleman's agreement' which dated back for many years. The Swan permitted use of its car park by church goers and users of the Morrell Room unless a significant event was being held at The Swan. In such cases, The Swan would advise of this.

Mr McGahan added that a large number of people visited George Michael's former home in Goring and in general, they attempted to park on High Street. Many Thames Path events also brought people and their cars to the area. The car parking situation and the associated congestion was worsening.

### **Applicant/Agent Representation**

Mr Burson (agent) in addressing the Committee raised the following points:

- The Streatley Parish Plan and the Goring Neighbourhood Plan highlighted a shortage of car parking as an issue.
- This shortage resulted in parking on High Street which was harmful to the conservation area. In addition, highway safety needed to be improved.
- The visual impact of the proposed car park would be minimal as this would be mitigated by landscaping.

Mr Gripton (applicant) in addressing the Committee raised the following points:

- The full reopening of The Swan would take place shortly. There was certainty that there would not be sufficient parking provision once the development had concluded as parking capacity was already an issue. It was noted at the site visit that the car park was full.
- If the application was refused, it would have a negative impact for the community, church goers etc as already described.
- Parking alternatives had been explored and the only feasible location for the overflow car park was as proposed – adjacent to the existing car park as this would be achieved with a minimum visual impact due to the landscaping.
- Local support for the application was significant. This was particularly the case due to residents' concerns regards car parking. The congestion on High Street was also of serious concern.
- There was a willingness in the community to accept this application outside of the settlement boundary due to the circumstances or to extend the settlement boundary.

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- The redevelopment of The Swan had been significant and encompassed a full refurbishment with the aim of bringing it back to its former glory. This would attract many more customers.
- Mr Gripton highlighted the applicant's hugely popular venue in Sonning, but this lacked the necessary car parking. The intention for The Swan was to put in place the necessary parking in advance.
- Approval of this planning application would align with the approved licence for the premises.
- West Berkshire Council's Highways Officer had raised concerns should the additional car parking not be granted.
- The decision to bring forward this application had not been taken lightly. There was absolute certainty of its need. Refusal of the application would impact on community uses as, post completion of the redevelopment of The Swan, the existing car park would be full with its customers. The demand was there.
- Mr Gripton stated the desire to support and accommodate the needs of residents. The needs of the village had to be considered, it would suffer harm if the application was not accepted.

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

Councillor Law questioned the assertion that the car park was full on the day of the site visit. He queried whether it was the case that around half of the car park's capacity was used by contractors' vehicles. Mr Gripton advised that this was not the case, construction vehicles were parked in the field, customers had parked in the car park. It was full when only a third of the business was operating.

Councillor Law then queried if there would be an intensification of use of the Coppa Club when there was no indication in this application that the number of restaurant covers would increase beyond the planning permission granted for redevelopment of The Swan in 2016. Mr Burson explained that the permission of 2016 had no restraint on the number of covers. Mr Gripton added that The Swan's licence permitted up to 300 covers in the Coppa Club. This was the consideration for this application.

Councillor Law followed this by asking if 'up to 300 covers' was an intensification of use of the Coppa Club. Mr Burson responded that this was as per the licensing permission. Mr Gripton reiterated the expectation of attracting more visitors to the site, an increase on what was anticipated in 2016.

Councillor Macro queried how frequently it was anticipated that the overflow car parking would be used. Mr Gripton advised that it would certainly be utilised for large weddings either at The Swan or the church. It was expected that its use would exceed the permitted right of 28 days.

Councillor Pask queried, as the business had yet to reopen, how there was such certainty of increased demand and usage of The Swan. He also queried why this perceived need was not addressed within the 2016 planning application.

Mr Gripton explained that the experience gained from the already opened hotel in Sonning strongly supported the need for additional car parking. The level of demand in Sonning had been underestimated and had become a difficulty on the high street in Sonning. The same level of popularity was anticipated in Streatley and this planning application for the overflow car park would resolve the issue before it occurred.

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Mr Burson added that this view was supported by the independent Transport Statement submitted by the consultants Glanville which included an assessment of parking demand. This assessment was based on usage in similar venues elsewhere. The combination of this together with the experience at the Sonning venue and the parking survey conducted in Sonning gave a solid estimate. As stated the intention of this application was to pre-empt the increased demand.

Councillor Andy Williamson sought to understand the current number of parking spaces once building work had finished. Mr Gripton confirmed this to be 100 spaces from the 75 available at present. Two way access would be achieved, and consideration was given to needs of pedestrians and highway safety.

Councillor Williamson then queried the point made by Officers that a formal highways assessment had not been provided. Mr Burson explained that this was considered to be an unreasonable additional request when considering the information already available and the view of Highways Officers. It was felt that the provision of the additional information would not give any greater understanding of the issue.

### **Ward Member Representation**

Councillor Law addressed the Committee as Ward Member and made the following points:

- He called the application in to Committee. The applicant had requested this action if the application was recommended for refusal, but Councillor Law clarified that he would have done so regardless of the Officer recommendation.
- The update report contained useful additional site history. As already described by the Planning Officer all of these previous applications had been refused due to the impact they would have on the NWD AONB and the site's location external to the settlement boundary. In many cases these previous applications had been taken to appeal, where they were refused for the same reasons.
- This demonstrated the extreme sensitivity of the area at a point where two AONBs met – the NWD AONB and the Chilterns AONB. The site was also overlooked by National Trust land.
- The fact that there were no overhead powerlines also indicated the particular sensitivity. Great expense had been gone to for the installation of underground powerlines.
- Councillor Law made clear that he had the wellbeing and greater interest of Streatley at heart. He found much sympathy with the views that had been expressed by the Conservation Officer, the AONB Board and Environment Agency who considered that this application would do more harm than good. This was the shared view of these professionals.
- Should permission be granted, the site would be reclassified as a brownfield site which would make it more acceptable for further alternative development in future.
- West Berkshire Council was expected in the near future to declare a climate emergency. This would involve the encouragement of reduced car use.
- One alternative to the car and more car parking would be the operation of a shuttle bus to and from the train station. This was in operation in Sonning.
- Councillor Law stated his wish to support The Swan which brought economic benefits to the area, however he found it difficult to do so with this application.

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- This application and the recently approved licensing application all pointed to a greater intensification of use and this would generate significant traffic levels at a number of different peak times. This would include peaks in traffic at weekend lunchtimes and late evenings, particularly at weekends. This would be a change to the traffic situation which highlighted the importance of conducting a survey.
- At this point, Councillor Law advised that he was supportive of the Officer recommendation for refusal.

### **Member Questions to Ward Member**

- There were no questions raised by Members.

### **Member Questions to Officers**

Councillor Macro queried if it was the view of Highways that traffic levels would be of concern if the application was not approved. Gareth Dowding, Senior Engineer, explained that the concern for Highways Officers related to traffic congestion in Streatley and the potential for this to increase. However, according to the Transport Statement, traffic would not increase beyond existing levels. There were no concerns for the proposed car park as it was considered in isolation.

Councillor Macro turned to the issue of the site becoming brownfield if this application was approved. He queried if further development of the site could be prevented in a legal agreement, with use restricted to car parking. Sharon Armour, Solicitor, stated that it would not be possible to prevent a new application being submitted. Bob Dray, Development Control Team Leader, added that the Council would be duty bound to consider such an application on its own merits on planning grounds. This potential future consideration would be for a brownfield site.

Councillor Williamson returned to the topic of the formal highways assessment. He queried why this had not been commissioned. Mr Shepherd explained that it had been requested of the applicant to help evidence the adverse highways impact, but this had not been provided.

Councillor Williamson then queried if additional car parking had featured in previously approved planning applications. Mr Shepherd advised that this was not the case. The application dismissed at appeal for a swimming pool did include a car parking area. The Planning Inspector refused this application for reasons including its location outside of the settlement boundary and the harm it would cause to the countryside.

Councillor Williamson next questioned the consideration that should be given to economic factors, i.e. the potential impact on the Morrell Room. Mr Shepherd explained that Members needed to balance community benefits of the application with the level of harm to the AONB and Conservation Area.

Councillor Geoff Mayes queried whether traffic data was available during the period of time when Whitchurch Bridge was closed as this could help understand the impact of increased traffic. Mr Dowding confirmed that data from a traffic count was available, but commented that it would be difficult to link this to considerations for this application. This information could be misleading as Whitchurch Bridge was closed giving an artificial comparison. The only approach to take in terms of collecting data would be an up to date survey.

Councillor Mayes asked if construction parking was allowed on the meadow as part of the 2016 planning application. Mr Shepherd confirmed that this was a permitted development right which allowed for temporary parking of construction vehicles.

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Councillor Macro queried whether any control could be exerted over landscaping works if this application was refused. Mr Shepherd advised that this would be for the applicant to determine as it was their land which was outside of the conservation area. Mr Dray added that the only control would be over trees with a Tree Preservation Order.

Councillor Law asked the Highways Officer if he would accept that additional vehicle movements resulting from The Swan's redevelopment would impact on traffic levels in and around the village. Mr Dowding felt it difficult to be certain on this point. The redevelopment could well attract more visitors and those visitors would seek to park at the venue if parking provision was available. If parking space was limited then visitors could look to car share or could simply go elsewhere. However, as there was such a high reliance on cars, a lack of space could be a concern. In summary, the overflow parking area could create additional movements.

Councillor Law referred to the Transport Statement and queried if this covered traffic implications as well as parking need. He felt that a greater intensification of use had been recognised for The Swan and the main justification for this application came from increased traffic levels. Mr Dowding reiterated that traffic levels could increase but the quantity would depend upon the popularity of The Swan. Councillor Law expected that the redeveloped hotel would prove popular and queried, if this was the case, whether traffic would increase. Mr Dowding accepted that traffic would increase if this became the case.

Councillor Law then commented that he could not recall a case where Planning and Highways Officers were not in agreement. He queried why an up to date traffic survey had not been insisted upon. Mr Dowding confirmed that conversations had been held between both sets of Officers and additional information had been requested from the applicant. Mr Shepherd made reference to the Transport Statement provided by the applicant. However, he felt this contained conflicting views over whether or not traffic levels would increase. It was felt that the car park would respond to the demand of the hotel, but it would not alleviate the overall congestion issues faced by the village.

Councillor Williamson queried what was defined as frequent use of the overflow car park. Mr Dray explained that temporary use of up to 28 days per year was acceptable as a permitted development right. Use in excess of the 28 days would require the permanent solution that was being sought.

Councillor Jo Stewart queried the options available to Members. Councillor Pask summarised some key points. The Planning Committee's decisions were based on the planning policy set by Members on behalf of residents. These policies were ratified by the Planning Inspectorate. Planning policies were therefore, generally, followed. However, Committee Members needed to interpret policies and could legitimately make a decision contrary to policy if there were exceptional reasons for doing so that would not create a dangerous precedent. Decisions made contrary to policy, but without exceptional reasons, would generally be referenced up to the District Planning Committee (DPC) for determination.

The options were therefore to accept Officers' recommendation to refuse planning permission, which could then be appealed. If Members were minded to overturn Officers' recommendation and approve planning permission, in light of the strength of support and sympathy to those arguments, and acceptance that benefits outweighed levels of harm, then it could be recommended for approval with conditions to the DPC.

Sharon Armour added for completeness that the Development Control Manager could refer an application to the DPC if a decision went against policy. Or the Area Planning

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Committee could directly reference an item to the DPC. An application would not automatically go before DPC if a decision went against policy.

Councillor Pask queried if the decision could be taken to refer the application to the DPC in order to allow time to conduct a highways assessment. Sharon Armour advised that the Committee could take that step. If Members were supportive then a recommendation could be made to reference the application to the DPC with a request that the assessment be conducted in advance of that meeting. The application could also be deferred pending receipt of the highways assessment. If the application was referenced up then no decision could be made by the Planning Committee, only a recommendation.

### **Debate**

Councillor Macro stated that this was a very complex application to determine. A strong recommendation for refusal had been given by Officers. However, traffic congestion and parking were both issues for the area.

Councillor Macro's concern, if the application was approved, was the fact that the site would become previously developed (brownfield) land. This would make it difficult to resist other applications that could come forward for the site.

Councillor Peter Argyle commented that The Swan was a successful business and its expansion should not be stifled. Car parking was needed for this success to continue.

Councillor Argyle continued, the impact on views from the AONB would be sufficiently offset by the proposed screening, i.e. from the Thames Path. He acknowledged that it would be overlooked from the bridge. Councillor Argyle felt that it was difficult to identify severe harm on the conservation area as this was on the other side of the road.

Councillor Argyle fully accepted this was a balanced decision. On balance, and taking into account levels of support, he was on the side of the applicant.

Mr Dray commented that the screening referred to had been objected to by the Council's landscape consultant as the screening would result in a loss of the existing view of that area of the AONB. Councillor Argyle accepted the point but argued that this only applied to the length of the car park.

Councillor Law had looked carefully at points made in support and while much support had been given, as outlined in the planning report, his view was that much of the support (around 70%) came from people who did not live in Streatley. The strong support did not reflect the views of many Streatley residents he had discussed this with, other than church goers and users of the Morrell Room whose points were understood. There was not overwhelming support, he considered the views of Streatley residents to be 50:50 for this application.

Councillor Law continued that while traffic issues and parking were related, they were separate issues. Approval of the overflow car park would not help to ease congestion/traffic in Streatley. A traffic survey/assessment was required to fully inform views on the issue and this should be provided before a decision was made on extra car parking capacity.

Councillor Williamson shared the frustration that the traffic survey had not been provided. The concern of the site becoming brownfield was also shared. However, Members also needed to listen to the community and help to resolve issues in order to encourage businesses and economic prosperity.

Councillor Law proposed to accept Officers' recommendation to refuse planning permission. This was seconded by Councillor Keith Woodhams.

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

### **Impact on the North Wessex Downs Area of Outstanding Natural Beauty**

In accordance with Paragraph 172 of the National Planning Policy Framework Great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which are afforded the highest status of protection. This objective is supported by the Core Strategy where Policies ADPP5, CS14 and CS19 similarly seek to ensure that appropriate and sustainable development conserves and enhances the special landscape qualities of the area. The application site is sensitively located and visible from a number of public vantage points to include prominent views from the Thames National Trail and other public rights of way (Streatley Byway 12/1, Footpath 5/1 and 5/3 and Streatley Footpath 25/3), the river Thames itself which is a well navigated river, its lock and wiers and Streatley and Goring Bridge. The water meadow and its riparian character is important to the setting of this part of Streatley. The loss of this field to a car park, thus allowing for up to 87 cars to be parked will have an urbanising and significantly detrimental impact on the setting and rural character of the area. Furthermore the need for external lighting, while kept to a minimum, will have an adverse impact on the dark night skies. While mitigation measures are proposed these itself would result in a reduction of inter-visibility between Thames Path users and the AONB and change the landscape character of this area.

The benefits of the proposal do not outweigh the harm to the landscape character of the area and the detrimental visual impact of the development. The proposal is therefore contrary to the NPPF, specifically para 8, 127, 170 and 172. It is also contrary to local plan policies ADPP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026) and policy RL.5A of the West Berkshire Local Plan 1991-2006 (Saved policies 2007). Additionally the development is contrary to the objectives/policies of the AONB NWD Management Plan and the Streatley Village Design Statement (adopted 2006) which specifically recognises the meadows as a key feature appreciated by both local residents and the many visitors who make frequent use of the Thames Path.”

### **Conservation Area and Setting of the Listed Building Refusal Reason**

The Conservation Area’s significance is derived from the interaction or interrelationship between the river, the surrounding open countryside, the linear pattern historic development, and the open spaces and vegetation within the Conservation Area. There are frequent views throughout the Conservation Area into the surrounding countryside. This constant visual link with the countryside makes a significant contribution to, and is an important component of the character and appearance of the Conservation Area. Whilst some of these views are limited to narrow glimpses, they are nevertheless part of the cumulative appreciation of the way in which the village has developed and how it remains linked to its countryside hinterland. Indeed, the village’s character owes much to the mix of buildings and open spaces, and the soft boundary between the village and its rural surroundings. When the area is filled with cars the overriding visual impact would be from cars.

The proposed overspill parking area would still be visible from the vicinity of Goring Lock to the east. Although the planting might eventually screen the views of the proposed car park, the planting will also block views of the meadow and its role in the setting for the Conservation Area.

The proposed development would have a harmful urbanising impact on the character of the site, both from the visual impact of the cars, as well as the noise and light associated with the cars. The benefits of the application do not outweigh the harmful impact the

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proposed development would have. The proposal therefore conflicts with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990, the NPPF, para 189, 190, 194 - 196 and Policy CS19 of the West Berkshire Core Strategy (2006-2026), which seeks to protect the setting of heritage assets.

**Lack of Information on Traffic and Highway Implications**

The Council has requested that the applicants produce a formal assessment of the expected impact on the local road network in respect to safety, flows and convenience from successful and unsuccessful attempts to park at the site. The increased intensification of use beyond that revealed in the extension applications 16/02364/FUL and 17/01562/FUL, and the increase in vehicle trips to the site and the extra car parking, should be assessed. The applicants have however responded to the Council's requests by saying "the surveys requested are unlikely to notably further understanding", and have declined the opportunity to provide that additional and up to date information for due consideration.

There is therefore insufficient information to fully assess the implications of the application on the local highway network despite requests made for documents. As such there is insufficient information to satisfactorily determine the application against CS13 of the West Berkshire Local Plan 2006-2026 and the National Planning Policy Framework (2019).

**11. Site Visits**

It was agreed that site visits during British Summer Time would take place in the evening. They would revert to mornings for the remainder of the year.

A date of 10 July 2019 in the evening was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 17 July 2019.

*(The meeting commenced at 6.30pm and closed at 9.02pm)*

**CHAIRMAN** .....

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



# Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	19/00031/FUL  Woolhampton	29 <sup>th</sup> March 2019.  Eot—19 <sup>th</sup> July 2019.	Retrospective application. Erection of 2 day rooms, 2 mobile homes, and 2 touring caravans, for occupation by gypsies/travellers. Creation of new access onto highway and hardstanding. Erection of fencing  Land west of Hill place, Bath Road, Woolhampton  Tammy Black and James Tombs

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00031/FUL>

<b>Ward Member(s):</b>	Councillor Graham Pask
<b>Reason for Committee determination:</b>	The Council has received in excess of 10 objections to the application
<b>Committee Site Visit:</b>	<b>10<sup>th</sup> July 2019</b>
<b>Recommendation.</b>	<b>The Head of Development and Planning be authorised to GRANT planning permission</b>

<b>Contact Officer Details</b>	
<b>Name:</b>	Michael Butler
<b>Job Title:</b>	Principal Planning Officer
<b>Tel No:</b>	(01635) 519111
<b>E-mail Address:</b>	<a href="mailto:michael.butler@westberks.gov.uk">michael.butler@westberks.gov.uk</a>

## 1. Site History

18/02751/FUL. Similar application to current one. Found to be invalid.

## 2. Publicity of Application

Site notice displayed. 6<sup>th</sup> February 2019. Expiry 27<sup>th</sup> February 2019.

Amended description –amended site notice—displayed 14<sup>th</sup> June 2019, expiry 5<sup>th</sup> July 2019.

## 3. Consultations and Representations

<b>Woolhampton Parish Council</b>	Objection. Work has already commenced on site. Application site is greenfield outside defined settlement boundary. Not a preferred gypsy site in the Local Plan. No change of use noted in the application description. No details of sewerage disposal and details of flooding. Two day rooms could become additional bedrooms. Has the Council given agreement for access onto the layby?
<b>Highways</b>	No objections to the application. The access, whilst retrospective, is acceptable, subject to conditions. Adequate space on site to satisfactorily accommodate parking and turning for the day rooms etc as proposed. Level of additional traffic movements is acceptable onto the A4 adjacent. Conditional permission is recommended.
<b>Environment Agency</b>	No objections. The application site does not lie in an area subject to any flooding risk, taking into account that caravan sites, being residential, are more vulnerable uses. [Officer comment-the land has been raised in any event ]
<b>Office for nuclear regulation</b>	No safeguarding objections, unless the emergency planners indicate otherwise. [Officer note - no objections from our emergency officer.]
<b>Thames Water</b>	On the basis that no foul water or surface water will be discharged into the public network, TW have no objections. If this were to alter, TW should be re consulted. In addition mains water infrastructure crosses the site. No structures should lie within 3m of these mains.
<b>SUDS</b>	Request additional information be submitted to the Council before permission may be granted. Off- site drainage is important in the area given the proximity of two SSSIs. Applicant has submitted suds report - not adequate. Response awaited.
<b>Planning policy</b>	Comprehensive response on file. The report below sets out this in more detail. Notwithstanding the fact that the application site was greenfield outside any defined settlement boundary, given the Council requirement to allocate/permit additional pitches prior to the end of 2019, and the fact that the site generally complies with the advice in Policy TS3, the application may be approved [officer view].
<b>Environmental Health - Licencing</b>	The caravan site, if permitted will require a licence from the Council. Matters to be included are appropriate water supply, drainage, access, boundary treatment, electrical supply, noise from the A4, and from the rail line adjacent and domestic waste storage. The application site [without prejudice] is capable of being an acceptable site subject to the above provisions being met. ie no underlying objections.

<b>Public representations</b>	<p>36 objections have been received to the application, none in support.</p> <p>Concerns are as follows. Site was greenfield, is outside the settlement boundary of the village, flooding and drainage problems, why is the application retrospective? It is not an allocated housing site, nor is it a preferred area for a gypsy/traveller site. Extra traffic impact on layby. Application is currently unauthorised. Not acceptable - abuse of planning regulations. Could the site be extended into the future? Might become a commercial storage site in addition for business purposes. If permission is granted would set a precedent. What of the land to the west of the application site? Impact on surrounding amenity, visual impact in addition. Day rooms could become additional toilets and/or bedrooms in the future. The site location is inappropriate - lacks suitable facilities. Increased propensity for runoff pollution into River Kennet adjacent. Poor access. Highway safety compromised. Application should be refused.</p>
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#### 4. Policy Considerations

National Planning Policy Framework 2019

National Planning Practice Guidance 2014.

DCLG—Planning Policy for Traveller Sites. August 2015.[PPTS]

Written Ministerial Statement on unauthorised encampments. August 2015.

MHCLG—Response of Government on powers for dealing with unauthorised development and encampments. February 2019.

West Berkshire Core Strategy 2006 to 2026.Policy CS7 –Gypsies, Travellers and Travelling Show people.

HSADPD of May 2017. Policy TS3.

#### 5. Description of development

5.1. Firstly, to make it clear, the application is almost entirely retrospective as members who attended the site visit will have noted. Secondly, whilst the initial description of the application made no specific reference to the site being occupied by gypsies/travellers, this has now been rectified, and in addition, if the application is approved by the Committee this specific type of occupation will be clearly conditioned. In order to ensure no third party or consultee was disadvantaged by this amended description the Council formally re advertised the application by way of an amended site notice for three weeks - see above. The period has now expired.

5.2. The application site lies to the south of the existing layby adjacent the A4 in Woolhampton. It was a greenfield site, and remains outside the defined settlement boundary of the village. The site lies immediately adjacent to the approved affordable housing scheme recently completed. In addition it lies to the north of the existing rail line. The land has been raised and enclosed, with a new vehicular access off the layby as noted. On the site lies two mobile homes, two touring caravans and a shed. Two dayrooms are proposed in addition. Each dayroom will be single storey and have a toilet and utility area. The site will accommodate two families, who apparently own the site in question. The site is 55m in width and at its maximum, 40m in depth. In addition, although the site has been raised, it still lies at a considerably lower level than the layby to the north, but higher than the rail line to the south. Finally to the west of the application site lies open agricultural land. An existing hedgerow abuts the northern boundary, whilst fencing of approximately 2m in height surrounds the remainder of the site, which is to be further landscaped and the fence painted green should planning permission be granted.

5.3. The application site does not lie in any special landscape designation, such as the AONB or conservation area.

## **6. Consideration of the application**

The application will be considered under the following matters.

1. Policy and principle.
2. Intentional unauthorised development
3. Comments on objectors concerns.
4. Human rights.

### **1. Policy and principle**

6.1.1. In 2015 the Government published the PPTS [see above]. This sets out in some detail the national planning policy which Councils should adhere to in respect of determining planning applications for gypsies and travellers. Local Planning Authorities should be fair, inclusive and realistic in applying policies, whilst promoting private traveller site provision where appropriate. Their own assessment of planning need in each District is also required, which should be continually monitored and updated. Finally due regard should be had to the protection of the local environment, tensions where possible between the applicants and the local settled community should be resolved, and access to local facilities for the travellers made possible. Finally any under provision of sites should be addressed, so maintaining a reasonable level of supply. [Paragraph 4].

6.1.2. In addition the Council must take into account the evidence from the applicants as to their particular need for accommodation in the area, and for rural sites [such as the current application] the scale of the site should not dominate the local settled community. In determining applications [para 24] Councils should consider the following: the existing level of local provision, the availability [or lack of] suitable alternative sites, and other relevant personal circumstances of the proposed occupier/applicants. Crucially, in the context of this application, the PPTS allows for, in criterion d] of para 24, that locally specific criteria can be applied to unallocated sites, which may come forward as has happened here. Finally, even if a traveller has no local connections to the area, applications should still be considered. Policy TS3 in the HSADPD accordingly allows for this circumstance, as does CS7 in the Core Strategy.

6.1.3. What is most significant [in the view of officers] is the advice in paragraph 27 of the PPTS. This notes that if a LPA cannot demonstrate an up to date 5 year housing land supply for deliverable gypsy sites, then this is a significant material consideration in determining planning applications –and applying a temporary permission. The current application site does not lie in an exception area [as eg the AONB is] which would preclude such weight being attached to such a decision. Finally LPA's should consider how objections to a site might be overcome by the application of necessary planning conditions which can include specifying the number of caravans on the site, specifying occupants and limiting any possible business use.

6.1.4 Policy CS7 in the Core Strategy sets out a range of criteria which need to be examined in determining planning applications. Without repeating the advice in the PPTs these include safe and easy access to local highways, and to local facilities such as schools and shops plus public transport, the compatibility of the new use with adjoining users, impact on the area visually, located outside an area of high flood risk, and the possibility of adequate on site provision for parking, storage, play and amenity.

6.1.5 Policy TS3 in the HSADPD sets out in much greater detail the above criteria to be applied. This includes SUDs /ecological implications, drainage and water supply, landscaping and foul water discharge. These points relate more to the future merit of the site being licenced under separate legislation, as identified in the Environmental Health response.

6.1.6 Clearly there are many pertinent criteria which the Committee will need to take into account in determining this application, but the most significant issue [in officers' view], is the number of pitches approved by the Council over the period 2011 to 2019 as set out in the HSADPD - 4 are required. To date only one pitch has been approved, which was allowed at appeal in December 2013 at Beenham [12/01547/FULD] which was delivered in 2014. Accordingly the Council requires an additional 3 pitches, before the end of this year if its target is to be met. So, if this application is approved this will mean only one more pitch is required to be authorised, prior to the end of this year. This is important given the advice in para 27 of the PPTs which inevitably an Inspector at appeal will take full account of should this application be refused. Entirely without prejudice it is almost inevitable that any refusal will be appealed, given the retrospective nature of the scheme and the fact that the applicants own the site in question.

6.1.7. In terms of the other policy criteria the following is considered to be relevant, by the officer, in the Council determination of the proposal.

1. It is not an offence in planning law to submit a retrospective application although it is of course made entirely at the owner's risk. Accordingly the Committee should not take this into account, subject to the advice on intentional unauthorised development set out later in this report.

2. The application does not propose any business / mixed commercial use - if it did it would be likely to be harmful to local amenity and so not acceptable given the proximity of housing to the east.

3. The scale of the scheme is "small" in relation to the local settled community, at just 2 pitches – again if approved this will be conditioned. As a percentage of the population of Woolhampton parish the occupation by the 9 occupiers involved is low.

4. Officers are satisfied that the gypsies who are the applicants are genuine in their needs and indeed originate from local families in the North Hampshire/Tadley area. The applicants [two couples] have children who are in need of schooling being of that age [5 number]. They have been searching for appropriate accommodation in the area for about 2 years. The applicant's agent was formally requested to provide additional evidence in support of this claim and this has been supplied. Children of both applicants attend Tadley School and both male partners work across the South East in construction living away for periods at a time, in order to provide income. This status is important since should the Council elect to approve the application, the justification will need to be based on the fact that the applicants are genuine members of the local travelling community.

5. The highways officer is content with the application in terms of access, parking and turning area, and traffic generation, so no objections are raised in this respect. The access direct onto the layby is actually preferential to an access direct onto the A4 since the layby enjoys good forward visibility onto the main highway in both directions for vehicles entering and exiting the A4. It is also most unlikely given the scale of the application site that any additional pressures for parking on the highway will be caused and it is believed that this has not occurred to date.

6. There are no objections to the application on ecological terms, or heritage impact. There are no sites of special scientific interest adjoining the application site which could be detrimentally impacted [subject to the drainage situation being examined carefully], and there are no conservation areas or listed buildings in the vicinity which could be damaged or harmed. This is noted in regard to policy CS19 in the WBCS of 2006 to 2026.

7. The site is well contained visually, being set at a lower level than adjacent land uses such as the affordable housing and the layby. In addition it lies in no special landscape designation. Accordingly with the additional landscaping and fence painting which is proposed to be conditioned, it is considered, on balance, that this aspect of the development is acceptable. Officers have had close regard to the advice in policy CS19 in the WBCS of 2006 to 2026 in relation to this. The only place where the site is relatively prominent is when it is viewed from travellers on the adjacent rail line.

8. The application site lies outside any area of high flood risk, and the EA have chosen not to comment on the application, albeit they were consulted. Accordingly it is considered that the application complies with the advice in policy CS16 in the WBCS. However the SUDS risk must be adequately considered in this context.

9. The location of the application site is considered by your officers to be "good" in relation to local schools [eg Aldermaston] shops as at Woolhampton and so forth ie it is not in an isolated location.

Bus services are frequent along the A4 and the train station lies some one mile to the west. Accordingly, having regard to the advice in both the PPTS and the Councils own policy advice for new traveller site applications, it is considered that should the application be approved the future likelihood of the current and future occupants [should that alter as the permission if granted will not be personal] being able to access such health and educational opportunities will be acceptable.

10. The PPTS makes it clear that even if a site is not formally allocated through the Local Plan process, it can still be acceptable in principle if it meets the necessary criteria.

6.1.8. Given all of the above, it is considered that whilst the retrospective aspect of the application is “regrettable”, the scheme nonetheless is acceptable in planning policy terms.

## 2 Intentional unauthorised development.

7.1.1 Some of the objectors to the application have identified the requirement of the Council as Local Planning Authority, in determining the application, must have regard to the latest Government advice on this issue as a material planning consideration, in relation to unauthorised encampments. In addition the latest appeal decisions in relation to the issue should also be taken into account.

7.1.2. Firstly, in 2015 the Government introduced a policy which specifically made intentional unauthorised development a material consideration in the planning sphere. This was via a Written Ministerial Statement from the then Secretary of State, Eric Pickles. The Government was, and is concerned that where harm is caused by development of land in advance of obtaining planning permission, there is no opportunity to limit or mitigate the harm already created. This can then cause extensive and expensive action by Authorities, in taking enforcement action. The Government is presently consulting on future options for strengthening this policy, but this process has not been concluded as yet. It does note that confidence and fairness in the planning system must prevail in a civilised society, and no one small minority group should have special protection, unless this is clearly based in planning law and advice/guidance, in respect of special needs. This relates clearly to the travelling community.

7.1.3 It is patently apparent that the present unauthorised occupation of the land was intentional and the applicants knew no planning permission existed on the site. So the above advice applies and the intentional occupation of the land without planning permission is a material consideration.

7.1.4 An appeal decision has been brought to the Council’s attention in relation to this issue. It is reference APP/ Q3630/W/18/3200398. It corresponds to a gypsy site Ada’s Farm in Chertsey, and the decision letter date was the 9 May 2019. The appeal was dismissed. In the decision, the question of intentional unauthorised development was examined. The Inspector noted that there was a perception in the travelling community that given the difficulties in obtaining planning permission on non-allocated sites in a Local Plan, due to public opposition, a retrospective application was the “best” way forward and provided an advantage in ultimately obtaining permission - an issue which the Government, in the interests of transparency and fairness, wishes to actively discourage.

7.1.5 The Inspector found on this particular occasion that since the site both lay in the Green Belt and was substantial [13 plots and about 1.5ha of land] and the unauthorised development had meant no assessment of the proposal against Local Plan policies the harm to the character and openness of the Green Belt was unacceptable. Accordingly the intentional nature of the scheme was accorded substantial adverse weight in the planning balance. As it was he rejected the appeal, presumably at least in part in recognition of this factor.

7.1.6 However, it does not automatically follow that all such retrospective applications should be rejected. In the present case, clearly the LPA has not been afforded the opportunity of assessing the application against its own policies [CS7 and TS3] or against the PPTS. In addition though, all

planning applications must be considered on their own individual merits: in this case the site does not lie in a Green Belt or AONB designation, the site is “small” in relation to the nature and character of adjoining land uses, and it is clear that the Council is required by its own policies to meet an identified housing need of 3 more pitches this year, if the target is to be achieved. Accordingly, the officer view in considering the planning balance in relation to this issue, is that approval is justified for the reasons set out in the report. It is of course regrettable that any retrospective applications occur, but the visual harm caused by this application can be mitigated by condition.

### 3. Comment on objectors’ concerns/conditions

8.1.1. It is hoped that this report should help to allay most of the objectors’ concerns about this particular application. In addition, the following is relevant. It is considered that no harmful precedent will be set if this application is approved for any expansion of the site to the west. This land is presently under separate ownership in any event and it is a well-established point of planning guidance that each application must be treated on its own individual merits.

8.1.2. The NPPF in paragraph 56 notes that for conditions to be acceptable they must be a] necessary to make the development acceptable in planning terms, b] directly related to the development and c] fairly and reasonably related in scale and kind to the scheme. In this regard the Committee should be made aware that the applicants have noted they would accept a personal permission on the site and a temporary one if the Council thought fit. Officers have carefully considered this matter and have concluded that neither condition would meet all of the three tests in the NPPF. This is because whilst one of the justifications for approving the application is the educational needs of the applicant’s children [ie the personal aspect] this is not the sole justification, for recommending approval. ie if another gypsy family were to occupy the site, it would still remain acceptable in planning terms. Secondly, given the general suitability of the site in physical terms, it is not considered that a 3 year temporary permission is necessary to mean approval can be granted ie the site is considered suitable for a permanent permission.

8.1.3. By way of explanation given that the application is retrospective some of the conditions necessarily will need to be time limited post the decision date - this is reflected in the wording of the conditions below. If they are not adhered to enforcement action could then be taken in the form of serving of breach of conditions notices.

### 4 Human Rights

9.1.1 The Committee will no doubt be aware of the European Convention on Human Rights. Article 8 of the first protocol relates to the Right to respect for private and family life. This in turn corresponds to how public authorities, in determining planning applications [inter alia] should respect such rights of travellers and gypsies in obtaining reasonable shelter and living conditions, for successful family life. However, the Article also notes that the right given by this article can be interfered with if other issues arise in, for example, national security or the freedom and rights of others. In this instance accordingly the Committee will need to make a balanced judgement on whether an approval would so interfere with the rights and freedoms of the settled community of the Parish, as advanced by the 36 objections, that an exception may be made in relation to the human rights of the applicants [and future potential occupiers] of the site: undoubtedly if refused the applicants over time may well become homeless. Your officers in this particular case, having regard to the lack of immediate environmental or amenity harm, caused by the development, consider that Article 8 should prevail in relation to the applicants “rights and needs.”

## **10. Conclusion**

10.1. The NPPF makes it clear that all applications must be determined in accordance with the Development Plan unless there are material considerations which would mean a different view

being taken. This is set out in the 2004 Act, Section 36. The PPTS, which is an adjunct to the NPPF makes it clear that exceptions to “normal” restrictive planning policies for protection of the rural areas may be made, when considering gypsy and traveller sites. Much the same exception is made [for example] when rural exception sites for affordable dwellings is made in villages - see policy C2 in the HSADPD of 2017. In this instance it is concluded that the application complies with the criteria in both the PPTS and the Development Plan. It is also concluded that, having taken full account of the other two material considerations which apply [ie intentional unauthorised development and human rights] the application meets these tests, and is capable of a conditional approval.

10.2. In addition, all planning applications should be considered against the three principles of sustainability in the NPPF. In economic terms the application will have little impact, albeit local spending in the community may rise slightly. In terms of impact of the occupants on the local facilities and services of the Council, it is understood that Council Tax is being charged, and the application will be CIL liable since it involves C3 space. In social terms the application may [without prejudice] raise local concerns in the area, but balanced against this is the benefit of providing suitable accommodation for the travelling community, meaning that pressure for future unauthorised encampments in the District [ and beyond] is expected to be reduced. There is also the Human Rights of the applicants to consider, in particular with reference to the education of the 5 children involved. Finally, in environmental terms the application is considered to have a neutral impact. Visually it is well contained, albeit some impact is notable from private views to the west. The amenity and highways impacts are considered to be acceptable for the reasons set out above. The drainage issues have also been resolved satisfactorily, subject to conditions.

10.3. On balance, taking all the above mentioned policies and mentioned considerations into account, the application is recommended for approval subject to conditions.

## **11. Recommendation**

### **11.1. The Head of Development and Planning be authorised to GRANT conditional planning permission.**

#### **CONDITIONS**

1. The development must remain in accord with the as approved plans - JOO3121-CD01-REV A, JOO3121-CD02-REV A, JOO3121-CD03-REV C, and JOO-CD04.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

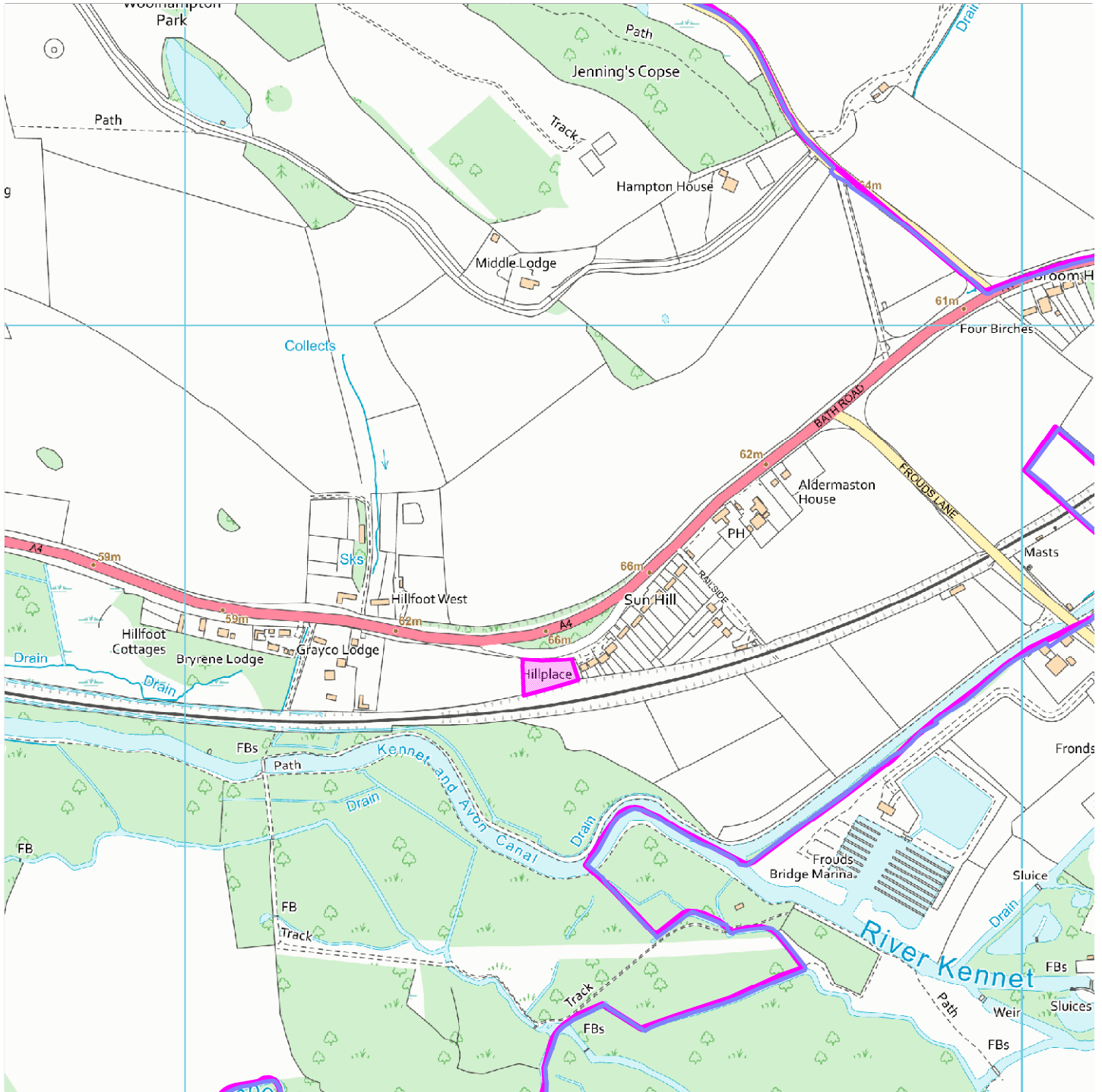
9. A scheme for protecting the occupiers of the 2 mobile homes from noise from traffic on the adjacent roads and from noise and vibration from the railway lines shall be submitted to the local planning authority within 3 months of date of permission, for approval in writing. Any works which form part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

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

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

Reason. To ensure the visual impact of the new fencing is reduced in accord with the advice in policy CS19 in the WBCS of 2006 to 2026.

11. SUDs  
Should the SUDs team confirm that SUDs conditions are required they will be reported on the Update Sheet.

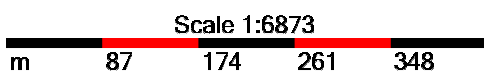


Map Centre Coordinates :

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	04 July 2019
<b>SLA Number</b>	0100024151

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# Agenda Item 4.(2)

Item No	Application and Parish	No.	8/13 week date	Proposal, Location and Applicant
(2)	19/00713/COMIND Pangbourne		18 July 2019	Section 73A: Variation of condition 2: approved plans, of planning permission 16/01419/COMIND  Bere Court Farm Bungalow Bere Court Pangbourne Reading Berkshire RG8 8HT  Mr Rehman Mohammed

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00713/COMIND>

**Recommendation Summary:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (section 8.2).

**Ward Member(s):** Councillor Gareth Hurley

**Reason for Committee determination:** Call in by Councillor Pamela Bale (Former Ward Member): So that members can see the building which has been constructed, and compare it with the original application for a single storey structure.

**Committee Site Visit:** 10 July 2019

#### Contact Officer Details

**Name:** Masie Masiwa  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519111  
**Email:** Masie.Masiwa@westberks.gov.uk

## 1. PLANNING HISTORY

1.1 Below is a summary of the relevant and recent planning history of the application site.

1.1.1 Approved application 16/01419/COMIND - Demolition of an existing stable block and farm machinery store and replacement with a new stable block and farm machinery store on the same site. A temporary PVC farm tent has been erected to house the machinery and equipment that was stored in the collapsed stable block. The replacement stable block will be in keeping with the surrounding buildings, the frame will be made out of Oak which will be clad in Oak weather board and handmade reclaimed clay tiles will be used for the roofing.

1.1.2 Refused: 18/01314/COMIND - Retrospective planning for the demolition of an existing stable block and farm machinery store and replacement with a new oak framed barn, farm machinery/tool store and workshop on the same site.

## 2. PUBLICITY

2.1 A site notice was displayed on 23rd March 2019 and expired on 12<sup>th</sup> April 2019.

2.2 The authority has therefore discharged the statutory requirement to publicise applications in accordance with the Development Management Procedure Order.

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

#### **Pangbourne**

#### **Parish Council:**

Objection: This application is for the variation of Condition 2, Approved Plans of permission 16/01419/COMIND", however the property has already been built (not in accordance with the approved plans) and the permissions sought are in fact retrospective.

Furthermore, the Council believe that the existing building on site as it stands today has a number of significant differences to those shown on this application (19/00713/COMIND) or as shown as part of the original planning application (16/01419/COMIND). We believe that there are windows, doors and entrances not shown on this plan and it is unclear whether the internal layout matches the plan. A second floor has previously been installed which again is not showing on the plan for this application and the Council feel that this application is unclear. It is felt that the height of the current structure (built higher than the original approved application) is too high for a single storey building. It should also be noted that the building

sits in a visible position in its plot and is not screened from neighbouring properties.

There is no mention of or consideration in this application of recent planning application 18/01314/COMIND which was refused on 18th September 2018.

The Parish Council would request that a site visit is undertaken by officers at West Berkshire Council to assess what has been built before this application is decided.

**Highways:** No highway objections.

**Natural England:** No comment to make on the variation of condition 2.

### 3.2 Representations

3.2.1 No letters of representation have been received.

## 4. PLANNING POLICY

4.1 The statutory Development Plan comprises:

- West Berkshire Core Strategy (2006-2026) (WBCS)
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP)
- Housing Site Allocations Development Plan Document (May 2017) (HSA DPD).

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (March 2014) (PPG).
- The Ministerial Statement Planning for Growth (23 March 2011)
- Manual for Streets (DCLG/DfT)

4.3 The WBCS was adopted on 16 July 2012 and carries full weight in decision-making as a development plan document adopted since the publication of the NPPF. The following policies from the WBCS are relevant to this application:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- CS12: Equestrian/Racehorse Industry
- CS13: Transport
- CS14: Design Principles
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

4.4 The saved policies of the West Berkshire District Local Plan carry due weight according to their degree of conformity with the NPPF. A number of policies in the Local Plan have been superseded by policies in the WBCS. The following saved policy from the Local Plan are relevant to this application:

- TRANS.1: Meeting the Transport Needs of New Development
- ENV29: Development involving Accommodation for Horses

4.5 In addition, the following locally adopted policy document is relevant to this application:

- Supplementary Planning Document Quality Design (June 2006)

## 5. DESCRIPTION OF DEVELOPMENT

5.1 The application seeks permission for the varying of condition 2 – approved plans of planning permission 16/01419/COMIND.

5.2 Planning application 16/01419/COMIND was approved by the Council for the:

*“Demolition of an existing stable block and farm machinery store and replacement with a new stable block and farm machinery store on the same site. A temporary PVC farm tent has been erected to house the machinery and equipment that was stored in the collapsed stable block. The replacement stable block will be in keeping with the surrounding buildings, the frame will be made out of Oak which will be clad in Oak weather board and hand made reclaimed clay tiles will be used for the roofing”*

5.3 As the proposal seeks to amend the approved plans that were attached to the approved application, the full condition is shown below for reference:

*The development hereby approved shall be carried out in accordance with drawing nos. 760/PL-01, 760/PL-02, 760/PL-03, and 760/PL-04 received 20th May 2016.*

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

5.4 The approved building has not been constructed in accordance with the above approved plans and has been built higher than the approved building with the length and width also increased. The breach of planning control was referred to the Planning Enforcement team and investigated accordingly by Officers. Following the planning enforcement enquiry and a site visit on 15 March 2018, it was established that the building had been constructed and fitted as a dwelling including a staircase, first floor living space and 4No roof lights.

5.5 An application to regularise this breach of planning control, was submitted under application 18/01314/COMIND and it was confirmed by the applicant that the building would no longer be used for the keeping of horses, but as a farm machinery/tool store and workshop/commercial purpose as part of a jam making and educational facility. The



proposal also included the planting of an apple orchard within the paddocks. It was also noted that the building had been constructed with glazing to the southern first floor gable, 4No roof lights to the western elevation roof pitch and the addition of a first floor. The application was refused by your Officers under delegated powers.

5.6 The comparisons of the approved building, the building now constructed and the building now proposed as part of his application is addressed in section 6.2.

5.7 The applicant is now seeking to regularize the constructed building by removing some of the unauthorised development to a level that could be acceptable to the Council. To achieve this the Section 73A application seeks to substitute drawing No's 760/PL02 (Site Plan), 760/PL- 03, and 760/PL-04 to allow for the following changes:

- a) A small increase in height of building;
- b) Removal of timber supports to southern elevation (inside);
- c) Increase in door size to southern elevation (inside);
- d) Changes to the internal layout.

## **6. APPRAISAL**

The main issues for consideration in the determination of this application are:

- Principle of the development
- The Impact upon the character and appearance of the site and the AONB area - design and appearance
- The impact on the highways (safety and use);
- Other matters
- Community Infrastructure Levy
- The assessment of sustainable development

### **6.1 Principle of the development**

6.1.1 The main considerations relate to whether the varying of condition 2 (approved plans) with regard to the listed changes in Section 5.8 and with reference to the submission of the amended plans should be allowed.

6.1.2 The principle of a replacement private/recreational equestrian stable block has already been established by the grant of planning permission under planning application reference 16/01419/COMIND.

6.1.3 In approving planning application reference 16/01419/COMIND, the application was considered against the relevant planning policies.

6.1.4 Policy CS12 of the WBDLP concerns equestrian development. It states that proposals for equestrian use will be acceptable providing the scale, form, impact, character, siting, and level of activity is in keeping with its location. Policy ENV29 of the WBLP recognises that the local horse riding activities contribute to a diverse

rural economy and that equestrian activities are seen as part of the rural character of the area. It permits the erection of stabling where the proposed building has been designed to blend in with the rural surroundings, and the scale and location of such buildings and their use would not cause a material loss of amenity for the occupants of adjoining properties or other users of the countryside, and there is sufficient space provided the ancillary storage of food, bedding, tack and related equipment on a scale appropriate to the number of horses being accommodated. Sufficient land should also be provided with the stable to accommodate the number of horses. Furthermore, access to and from the highway should be in a location and form which would prevent any hazard to drivers and other users of the highway.

- 6.1.5 The submitted proposed layout is for three stables and a foaling box, this is similar provision as approved under application 16/01419/COMIND.
- 6.1.6 The area of land for the proposed change of use is considered adequate for the three proposed horses. There will also be sufficient storage for the hay and food within the stable. The building has also been revised to reflect a typical stable structure found within the open countryside.
- 6.1.7 In view of the above the principle of development is therefore acceptable.

## **6.2 The Impact upon the character and appearance of the site and the area**

- 6.2.1 The North Wessex AONB has a statutory designation under the Countryside and Rights of Way Act 2000. Section 82 Countryside and Rights of Way Act 2000 confirms the primary purpose of the AONB designation is conserving and enhancing the natural beauty of the area. The Countryside and Rights of Way Act 2000 places a general duty on public bodies to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in exercising or performing any functions in relation to, or so as to affect, land in the AONB. West Berkshire's Policy ADPP5 provides this statutory landscape protection
- 6.2.2 The building is located in a central and sensitive open paddock location.
- 6.2.3 Under the previously refused application reference: 18/01314/COMIND, the applicant proposed to use the building for a jam making commercial /business with alternate educational workshops. The documentation provided confirmation from the applicant that they no longer intended to keep horses at the site. In this latest application before the planning committee, the applicant has stated that they now intend to keep horses on the land, as their circumstances have now changed. Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.

- 6.2.4 The criteria contained within the policy states that development shall contribute positively to local distinctiveness and sense of place. This is achieved by making efficient use of land whilst respecting the density, and character of the area.
- 6.2.5 Policy CS19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Proposals for development should be informed by and respond to features identified in various settlement character studies including the Quality Design West Berkshire Supplementary Planning Document, and community documents which have been adopted by the Council such as Parish Plans and Town Design Statements.
- 6.2.6 Taking the above policies into account, the revised stable building is considered to accord with the character of the AONB and its surrounding area. It is small in scale, preserving the rural features of the property and its surrounding area. In addition to this the materials are proposed to match with the existing features within the surrounding area.
- 6.2.7 In view of the above the proposed development will be in accordance with the character and appearance of the AONB, and is in compliance with Policy CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Design and appearance**

- 6.2.8 The NPPF is clear that good design is indivisible from good planning, it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.
- 6.2.9 The NPPF also adds that the visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.2.10 Policy CS14 of the WBCS states that new development must demonstrate high quality and sustainable design that relates not only to the appearance of a development, but the way in which it functions.
- 6.2.11 The approved replacement stable block was significantly larger than the small modest stable block demolished on the site and was considered to be at the upper limit of what could be allowed on the site within the AONB. The now completed building has not been constructed in accordance with the approved plans and includes glazing, roof lights and a first floor. The completed building measures 22.7 m in length, 15.3 m in width and 5.9 metres in height, an increase of approximately

2.8 metres in height from the original stable block that was demolished. When compared with the approved replacement stable block, the latest revision will result in an increase in height of approximately 0.6 metres.

### **Comparative table**

	Length	Width	Height
Original approved stables 16/01419/COMIND	20.2 metres	14.6 metres	5.3 metres
Constructed building (Unauthorised)	22.7 metres	15.3 metres	5.9 metres
Current amended building 19/00713/COMIND	20.2 metres	14.6 metres	5.9 metres

6.2.12 As indicated in the above table, the current proposal is to reduce the length and width of the completed building to match the approved length and width, albeit the original verandah feature will be enclosed. The main difference will be an increase in the height to approximately 5.9 metres which is a minor increase of approximately 0.6 metres. The design and overall appearance of the proposed building is considered to accord with the context of the site and its surrounding area. The building will be appropriate in appearance, using materials that match with the existing features of the surrounding rural area.

6.2.13 In view of the above the design and appearance of the proposed development is in compliance with the advice contained within the NPPF, and Planning Policy CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **6.3 The impact on the highways (safety and use);**

6.3.1 Road safety in West Berkshire is a key consideration for all development in accordance with WBCS Policy CS13.

6.3.2 The Council's Highways Officer was consulted and has reviewed the amended plans. The Highways Officer has raised no objection.

6.3.3 Overall, it is considered that the proposed development would not have a material impact on highway safety and would be provided with sufficient parking. The application is therefore considered to comply with WBCS Policy CS13 and the parking standards as set out within the published HSADPD (May 2017).

## 6.4 OTHER MATTERS

- 6.4.1 The Parish has assessed the approved stable building, the constructed building and the latest submitted plans. In their comments the Parish has stated that:

*“We believe that there are windows, doors and entrances not shown on this plan and it is unclear whether the internal layout matches the plan. A second floor has previously been installed which again is not showing on the plan for this application and the Council feel that this application is unclear. “*

- 6.4.2 For clarity, the plans submitted as part of this application represent the final building to be constructed on the site. If committee members were minded to approve this application, the applicant will be required to make the necessary changes to comply with the approved plans.

## 6.5 Community Infrastructure Levy

- 6.5.1 WBCS Policy CS5 (Infrastructure) states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery.

- 6.5.2 There is no requirement to pay CIL for equestrian development, as such this application is not CIL Liable.

## 6.6 The assessment of sustainable development

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

- 6.6.2 Social dimension: Social considerations overlap those of environmental in terms of the impact on the visual amenity of the area. As these have been found to be acceptable the development is considered to constitute sustainable development.

- 6.6.3 Economic Dimension: It is considered that the proposal makes no significant contribution to the wider economic dimensions of sustainable development. The broader economic benefit of new equestrian uses is demonstrated.

- 6.6.4 Environmental dimension: With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment the impact on the character and appearance of the surrounding area has been assessed as part of this application. It is considered that the proposed amendments

sufficiently protect and enhance the character and appearance of the AONB area. The environmental considerations have been assessed in terms of amenity and impact on the character and appearance of the area.

6.6.5 For the above reasons it is considered that the proposed development is supported by the NPPF's presumption in favour of sustainable development

## **7. CONCLUSION, PLANNING BALANCE AND RECOMMENDATION**

7.1 The proposed varying of Conditions 2 - approved plans is considered acceptable.

7.2 Having regard to the relevant development plan policy considerations and the other material considerations referred to above, it is considered that the proposed amended stable block will accord with the character and appearance of the area and the landscape protection granted to the AONB. The proposal will not harm the existing character and appearance of the historic farmstead, the surrounding area and how it functions. The proposal will not present a significant impact on existing amenity levels enjoyed by neighbouring occupiers. These considerations carry significant weight and indicate that planning permission should be approved

7.3 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP5, CS12, 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) and the National Planning Policy Framework.

## **8. FULL RECOMMENDATION**

8.1 **DELEGATE** to the Head of Development & Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2).

### **8.2 Schedule of conditions**

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

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

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

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

The development hereby approved shall be completed in accordance with drawing Nos. 03 and E01 received on 13 March 2019.

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

#### **3. Materials**

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

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

#### **4. External lighting**

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

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

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

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

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

## **6. Spoil removal**

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

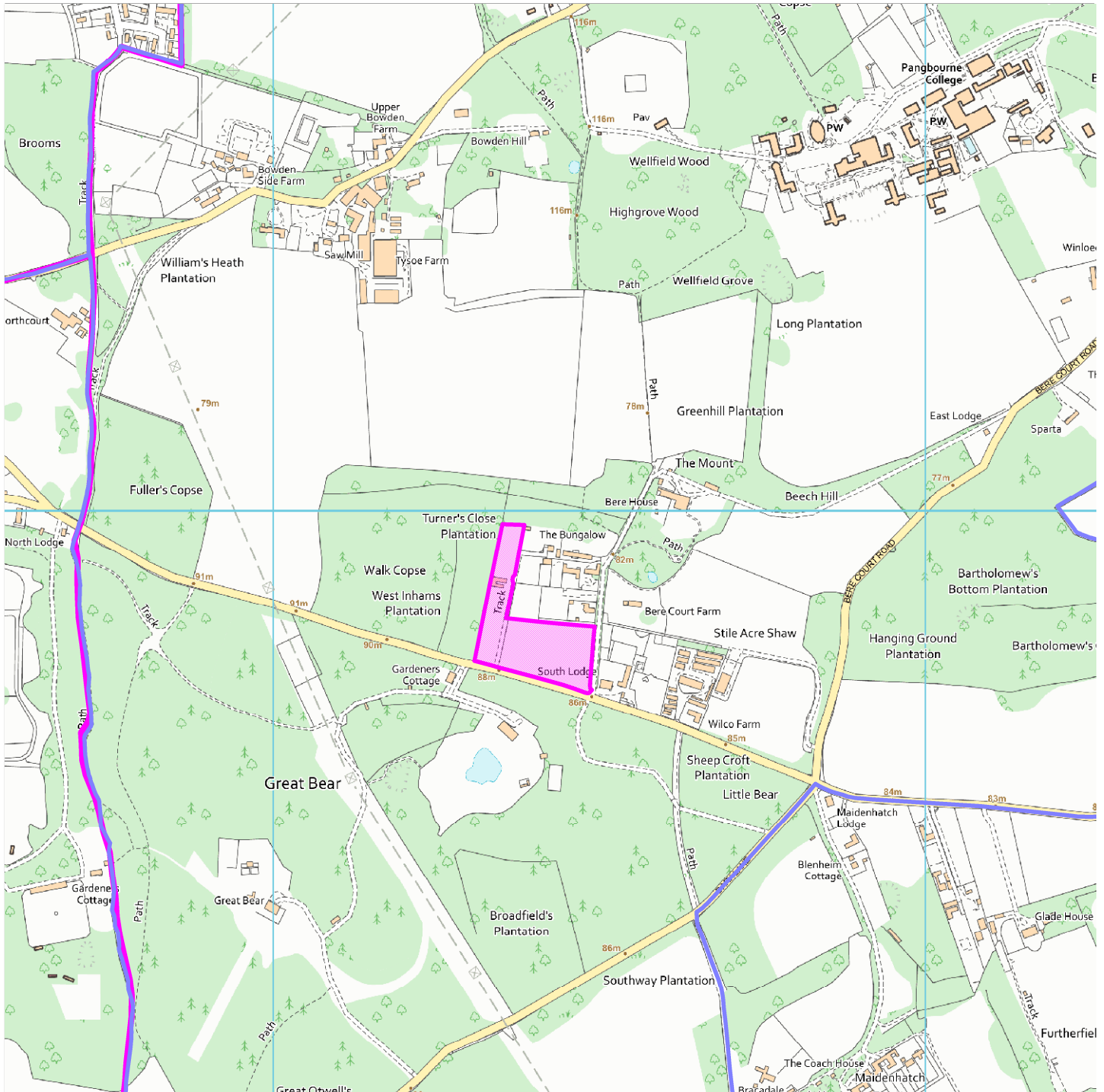
Reason: To ensure appropriate disposal of spoil from the development and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

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

Notwithstanding the provisions of either the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order, with or without modification) and the Town and Country Planning (Use Classes) Order 2015 (as amended) and any subsequent revision, there shall be no internal or external alterations including any mezzanine flooring to increase the floor space, without the permission of the local planning authority in respect of a planning application.

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



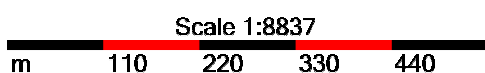


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