

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 27 OCTOBER 2021**

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

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

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

### **PART I**

#### **22. Minutes**

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

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

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

#### **23. Declarations of Interest**

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

#### **24. Schedule of Planning Applications**

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

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

*(Councillor Richard Somner declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Holybrook Parish Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

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

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

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

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

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

### **Parish Council Representation:**

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

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

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visitors to the property were shown such as tutors, health care services, Ofsted, family etc. A realistic trip figure was more likely to be 32 as opposed to 24 trips which was not typical of a normal family household and represented a change in character of the dwelling through increased movement and disturbance. The inter-household movements to shuffle cars many times a day was not, on balance, acceptable.

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

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

There were no questions raised by Members.

### **Objector Representations:**

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

- With regard to the boundary wall, when the matching wall at 1 Goodwin Close came down and a temporary fence was in place, a letter was received from the planning team at the Council insisting that the wall must be rebuilt in the same material and style as at 3 Goodwin Close, otherwise it would materially affect the character and

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appearance of the street scene. Putting a fence behind the wall would mean that the boundaries no longer matched and would cause an imbalance that would detract from the character and appearance. The proposed fence would not make the property any safer because of the metal railings in the alleyway.

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

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occur. If an emergency took place at night with only one member of staff on site, there would be no back-up should the child need to be accompanied to hospital. In addition, one car would be trapped by three others on the drive and it would be tempting for this vehicle to drive over the pavement and layby to leave the property.

- Ms Anderson stated that she had worked in special needs for 17 years and it was her professional opinion that the home would not offer safe and secure facilities. Looked After Children with special needs usually stayed for short periods of time with the clientele changing frequently and they might have been moved from their home area over concerns for their safety.
- The turnover of residents was expected to be high and continuity of staff and residents would be compromised. The applicant's belief that suitably qualified staff would live within walking distance of the property was misplaced.
- The applicant had established tenants in the property whose child attended the local school and when they began their rental they had been given reassurance by the applicant that their rental would be long-term. Approval to this change of use would therefore likely make the existing tenants homeless.

### **Member Questions to the Objector:**

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

### **Applicant and Agent Representations:**

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

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

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

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

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

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

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

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

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

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

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

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

### **Ward Member Representation:**

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

There were no Member questions for the Ward Member.

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

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

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

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Ms Kirk confirmed that under permitted development:

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

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

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

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

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

Councillor Somner asked what the view was on the covenants on the deeds of the properties across the estate as to whether they could be easily dealt with. Mr Dray said that covenants were not typically material planning considerations and the granting of planning permission would not alter them in any way. Councillor Somner asked whether it was correct that despite the list of possibilities within this Class that this could only be used for the prescribed use as per the application, therefore other establishments listed within this Class would not be possible without further application. Ms Kirk said a condition had been recommended for the property to be restricted to three children between the ages of 8 and 18 in residential care accommodation so any other C2 use would have to be applied for in the usual way.

Councillor Bridgman invited comment on the issue that a blanket condition applied across Fords Farm that removed the question of commercial use of the housing yet an



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application could be made to remove that condition. Mr Dray said this had been addressed in the update report as follows:

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

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

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

### **Debate:**

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

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

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

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

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

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

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

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

**RESOLVED that** the Service Director - Development and Regulation be authorised to grant planning permission subject to the following conditions:

### **Conditions**

#### **1. Commencement of development**

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

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

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

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

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

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

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

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

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

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

No development shall take place until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include detailed plans, planting and retention schedule, programme of works to ensure successful cultivation of trees/shrubs and grass establishment, and any other supporting information. All landscaping works shall be completed in accordance with the approved landscaping scheme within the first planting season following the first occupation of the residential care home. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. Agreed with the applicant's agent: To be agreed.

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

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

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shall include:

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

The use hereby permitted shall not commence until vehicle parking has been completed in accordance with the approved details (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is necessary because the parking arrangement will need to be determined before any construction to ensure it can be accommodated within the space available. Agreed with applicant's agent: To be agreed.

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

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

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

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

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

Reason: Surveillance is critical in deterring crime and anti-social behaviour and is required to maintain a safe environment for occupiers of 3 Goodwin Close and neighbouring properties. This condition is in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire

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Core Strategy (2006-2026). A pre-commencement condition is required because the CCTV must be installed before first use. Agreed with applicant's agent: To be agreed.

### **8. Restriction on shift changes**

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

Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **9. Garage outbuilding: restricted use**

The outbuilding to the north-west of the main property labelled as 'Garage/ Bike & general storage' on Drawing 21.03-010A received on 10.05.2021 shall be used as a Garage and for bike & general storage purposes, and for no other purposes. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no physical alterations shall be made to the garage, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

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

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

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

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

### **11. Refuse storage (pre-commencement)**

The residential care home shall not be first occupied until a storage area for

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refuse and recycling receptacles (and collection areas if necessary) has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. The condition is required to protect visual amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13). A pre-commencement condition is necessary to ensure that the refuse store can be accommodated without having a detrimental impact on parking arrangements this will need to be determined before any construction to ensure it can be accommodated within the space available.

Agreed with the applicant's agent: 26<sup>th</sup> October 2021.

### **Informatives**

#### **1. Proactive statement**

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

#### **2. Compliance with approved drawings**

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

#### **3. Compliance with conditions**

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

#### **4. Pre-conditions**

Conditions nos. 4, 5, 6 and 7 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

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**5. Access Construction**

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

**6. Damage to footways, cycleways and verges**

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

**7. Damage to the carriageway**

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

**8. Building regulations**

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

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

**CHAIRMAN** .....

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