

# Notice of Meeting



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## Eastern Area Planning Committee Wednesday 16th November 2022 at 6.30pm

In the Council Chamber Council Offices  
Market Street Newbury

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on Tuesday 15<sup>th</sup> November by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### Members Interests

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

Date of despatch of Agenda: Tuesday, 8 November 2022

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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 or email [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

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

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk).



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 16 November 2022**  
(continued)

**To:** Councillors Graham Pask (Chairman), Alan Macro (Vice-Chairman),  
Jeremy Cottam, Alan Law, Tony Linden, Ross Mackinnon, Geoff Mayes,  
Richard Somner and Keith Woodhams

**Substitutes:** Councillors Graham Bridgman, Lee Dillon, Nassar Hunt, Owen Jeffery,  
Joanne Stewart and Andrew Williamson

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# Agenda

<b>Part I</b>	<b>Page No.</b>
1. <b>Apologies for absence</b> To receive apologies for inability to attend the meeting (if any).	
2. <b>Minutes</b> To approve as a correct record the Minutes of the meeting of this Committee held on 5 <sup>th</sup> October and 26 <sup>th</sup> October 2022.	5 - 40
3. <b>Declarations of Interest</b> 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' <a href="#">Code of Conduct</a> .	
4. <b>Schedule of Planning Applications</b> (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) <b>Application No. and Parish: 21/01698/FULMAJ - 12 -16 Chapel Street Thatcham West</b>	41 - 102
<b>Proposal:</b>	Partial demolition of existing dwellings (14 & 16 Chapel Street) and construction of 9No. one bedroom apartments and 2No. two bedroom houses, including parking and stores.
<b>Location:</b>	12 -16 Chapel Street Thatcham West Berkshire RG18 4QL.
<b>Applicant:</b>	Mr T Young
<b>Recommendation:</b>	To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 16 November 2022**

*(continued)*

**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.*

Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

If you require this information in a different format or translation, please contact  
Stephen Chard on telephone (01635) 519462.



**West Berkshire**  
C O U N C I L

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## 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, 5 OCTOBER 2022**

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

**Also Present:** Bob Dray (Development Control Team Leader), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Tom Dunn (Principal Policy Officer), Gemma Kirk (Senior Planning Officer), Kim Maher (Solicitor), Emma Nutchey (Principal Planning Officer), Sadie Owen (Principal Democratic Services Officer) and Sissi Yang (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Alan Macro, Councillor Jeremy Cottam and Councillor Alan Law

#### **PART I**

#### **18. Minutes**

The Minutes of the meeting held on 24 August 2022 were approved as a true and correct record and signed by the Chairman.

#### **19. Declarations of Interest**

Councillor Geoff Mayes declared an interest in Agenda Item 4(3), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

#### **20. Schedule of Planning Applications**

##### **(1) Application No. and Parish: 21/03260/COMIND – Land North and West Of Glebe End Accessed by Shortheath Lane, Sulhamstead, Reading**

The Chairman noted that Mr Peter James had originally registered to address the Committee on the planning application at its meeting on 14 September 2022, which had subsequently been cancelled. Due to holiday commitments he had been unable to re-register. In accordance with the Council's Constitution paragraph 7.6.2, the Committee supported the Chairman's motion that Standing Orders be suspended to allow Mr James to address the Committee.

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/03260/COMIND in respect of a proposed change of use of agricultural land to equestrian and the erection of a stable block/yard and manège as well as the creation of associated access at land north and west of Glebe End, accessed by Shortheath Lane, Sulhamstead, Reading. The proposal included the retention of four temporary field shelters and mobile stable unit on skids.

Ms Sissi Yang, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning

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considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director of Development & Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

In accordance with the Council's Constitution, Mr Peter James, objector, and Mrs Amanda Cottingham, applicant, addressed the Committee on this application.

### **Objector Representation**

Mr Peter James in addressing the Committee raised the following points:

- Mr James commented that his main concern related to the size of the development and suggested that sixteen stables, four temporary shelters, and a large manège indicated that the applicant planned a commercial business.
- Mr James suggested that naming the location 'Oakdown Fields' as a google business was further evidence to suggest a planned commercial venture.
- Mr James expressed concern at the increased use of lighting by the development and the adverse impact to local wildlife.
- Mr James suggested that increased traffic utilising the stables would further detrimentally impact the surrounding roads.

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

Members did not have any questions of clarification.

### **Applicant Representation**

Mrs Amanda Cottingham in addressing the Committee raised the following points:

- Mrs Cottingham clarified that the google pin had been dropped to assist in locating the property for delivery purposes.
- Mrs Cottingham noted that condition 8 would cover any concern relating to external lighting at the development.
- Mrs Cottingham expressed concern at the extent of the conditions required, stating that they appeared to require the submission of a further eight plans. Mrs Cottingham requested reassurance that satisfying the conditions would not lead to further delay to the development.
- Mrs Cottingham queried why a number of the conditions had been included when they were not applicable to the development. It was requested that they be reviewed to reflect only issues relating to the application.
- Mrs Cottingham suggested that a number of the conditions seemed excessive given that the development was not proposed for commercial use.

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

Councillor Jo Stewart queried the proposed use of the manège. Mrs Cottingham explained that she was a showjumper with a number of horses and required somewhere safe to exercise and ride them.

Councillor Stewart suggested that sixteen horses seemed a large number for personal use, however Mrs Cottingham commented that there were nine horses currently at the location; four of which were retired, one used for competing, three owned by Mrs Cottingham's daughter, one by her daughter's partner and there was also a pony owned by her grandson. It was explained that provision for sixteen horses would allow for a square stable block.

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Mrs Cottingham clarified that the stable block would be a permanent structure.

### **Ward Member Representation**

Councillor Ross Mackinnon expressed a desire to participate in the debate and so did not make a representation.

### **Questions to Officers**

Councillor Richard Somner noted that there had been a previous change of use at the site from agriculture to private grazing in 1997 and queried whether this would cause any obstacle to the current application. Mr Bob Dray, Acting Development Control Manager, confirmed that it would not.

Councillor Graham Pask requested that Mr Dray address the applicant's concerns at the extent of the conditions applied. Mr Dray commented that officers were keen to keep conditions to the bare minimum necessary to make a development acceptable. Mr Dray explained that each requirement was listed as a different condition to ensure that they were precise and enforceable, but that it was possible to address a number of conditions within one submission. Further, Mr Dray commented that proportionality would be applied in the actions required to discharge the conditions.

### **Debate**

Councillor Somner opened the debate by acknowledging that the main concern with the application related to the size and use of the proposed stables. However, having spent time with family and friends that owned horses, Councillor Somner recognised that they required space and particular facilities.

Councillor Somner acknowledged condition 16 which required that the development be for private use only and expressed sadness that the community would be losing use of such a facility.

Councillor Somner did not feel that the application represented a major development and commented that he was inclined to support the Officer's recommendations.

Councillor Tony Linden agreed with Councillor Somner's comments and proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Somner.

Councillor Mackinnon noted Mrs Cottingham's concern about the conditions but felt that Mr Dray had addressed the matter. Councillor Mackinnon also sympathised with the concerns raised by Mr James in relation to the commercial nature of the venture, however noted that this was now dealt with by condition 16, and so agreed with the views expressed by Councillor Somner.

Councillor Stewart also expressed agreement with Councillor Somner's reasoning.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Linden, seconded by Councillor Somner to grant planning permission. At the vote the motion was carried.

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

### **Conditions**

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

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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**

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

- J0045728-21-03 Location Plan received 28.01.2022;
- Block Plan Showing Parking received 22.02.2022;
- Stable Proposed Side Elevations received 28.01.2022;
- Stable Proposed Front/Rear Elevations received 28.01.2022;
- Stable Proposed Internal Side Elevations received 28.01.2022;
- Stable Proposed Internal Front/Rear Elevations received 28.01.2022;
- Proposed Arena Fencing received 28.01.2022;
- Stable Yard Floor Plan received 28.01.2022;
- Menage Proposed Cross Sections 28.01.2022;
- Proposed Arena Surface Details received 28.01.2022
- Mobile Field Shelters received 22.02.2022;
- Twin Stable Elevations received 22.02.2022;
- Mobile Stable received 22.02.2022;
- Field Shelter 1 received 22.02.2022;
- J0045728-21-03 Proposed Mobile Shelters 22.02.2022;
- Information on Proposed Gateway received 22.02.2022
- Plan 8490/201 Site Access & Visibility Splay received 09.03.2022
- Parking Plan with 5m Hedge Root Protection Zone received 31.03.2022

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

### **3. Construction method statement**

No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) Temporary access arrangements to the site, and any temporary hard-standing;
- (g) Wheel washing facilities;
- (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (j) Hours of construction and demolition work;
- (k) Hours of deliveries and preferred haulage routes;

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core



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Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

### **4. Construction Environmental Management Plan**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

### **5. Tree protection scheme**

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012. All such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **6. Landscaping**

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The use hereby permitted shall not commence until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first use of the land for equestrian purposes (whichever occurs first). 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.

### **7. Biodiversity Mitigation and Enhancement Plan**

No development shall take place until a Biodiversity Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include measures to mitigate the impact of the development on existing ecological assets, and deliver biodiversity enhancements. The plan may include (but not necessarily be limited to) using the landscaping scheme to deliver biodiversity enhancements. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the Mitigation and Enhancement Plan will need to be adhered to throughout construction.

### **8. Lighting strategy (Landscape/Ecology)**

No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- (a) Include isolux contour diagram(s) of the proposed lighting.
- (b) Ensure all lighting levels are designed within the limitations of the appropriate lighting zone, as described by the Institute of Lighting Engineers.

No external lighting shall be installed within the application site except in accordance with the above strategy.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, and ensure lighting is appropriate within the landscape. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **9. Ecology report valid for 3 years**

If the development hereby approved does not commence by 10<sup>th</sup> February 2025 (3 years from the original ecology survey), a further ecology survey shall be carried out and a report submitted to the Local Planning Authority for approval before any development takes place. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**IMPORTANT:** If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.

**Reason:** To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **10. Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

**Reason:** To ensure that the external materials respect the character and appearance of the area. 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 Supplementary Planning Document Quality Design (June 2006).

### **11. Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

8:30am to 6:00pm Mondays to Fridays;

9:00am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

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

### **12. Drainage**

The construction of the stables and/or menage shall not commence until a drainage strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The stables and/or menage shall not be brought into use until the drainage measures have been provided in accordance with the approved details.

**Reason:** To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006), Sustainable Drainage SPD (2008).

### **13. Number of horses**

No more than 16 horses shall be stabled on the site at any one time.

**Reason:** To ensure the scale and intensity of the development is appropriate to its location. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **14. Hay store/tack room use**

The bedding & hay store and tack area(s) as indicated on the plans submitted with the application shall be used solely for these purposes, and shall not be used for the accommodation of horses.

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Reason: To ensure the scale and intensity of the development is appropriate to its location, and to ensure adequate facilities are maintained. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **15. Manure storage and disposal**

The development shall not be first brought into use until full details of the method of storage of manure and its removal has been submitted to and approved in writing by the Local Planning Authority. Thereafter the methods of storage of manure shall be implemented in accordance with the approved details.

Reason: To prevent the proliferation of manure which would detract from the quality of the AONB and in the interests of amenity and to avoid any possible water/land contamination. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16. Private equestrian use only**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or an orders revoking and re-enacting or amending those orders, with or without modification), the application site shall only be used for private recreational equestrian purposes. The site shall not be used for any other equestrian purpose including commercial riding, breeding, training or liveryes.

Reason: In the interests of amenity and to ensure an appropriate intensity of use. This condition is applied in accordance with the National Planning Policy Framework, Policies CS12, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Policy ENV.29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## **Informatives**

### **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.

### **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.

### **Trees**

- To ensure that the trees/hedges which are to be retained are protected from damage, ensure that all works occur in a direction away from the trees.
- In addition that no materials are stored within close proximity i.e. underneath the canopy of trees/hedges to be retained.
- Ensure that all mixing of materials that could be harmful to tree/hedge roots is done well away from trees/hedges (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
- To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
- If this is not possible due to working room / access requirements The ground under the trees'/hedge canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with

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plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil.

- If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back using a sharp knife.
- If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.

### **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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

### **(2) Application No. and Parish: 21/02767/FULMAJ – 17 Clifton House, Reading Road, Pangbourne**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/0276/FULMAJ in respect of a proposal to construct 13 flats and a courtyard with a reconfigured car park at 17 Clifton House, Reading Road, Pangbourne. The proposal included the demolition of a single storey flat roofed building.

Ms Emma Nutchey, Principal Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director for Development and Regulation be authorised to grant planning permission subject to the completion of a s106 agreement and subject to the conditions outlined in the main and update reports.

In accordance with the Council's Constitution, Mr Les Billings and Mrs Mags O'Keefe, objectors, and Mr Adrian Keal, applicant, addressed the Committee on this application.

### **Objector Representation**

Mr Les Billings and Mrs Mags O'Keefe in addressing the Committee raised the following points:

- Mr Billings commented that he had no overall objection to the application, but wanted to receive assurances that the boundary wall would be replaced.
- Mr Billings felt that condition 26 inferred that the boundary wall did not have to be replaced until just prior to occupation. There was concern that demolition of the boundary wall would immediately lead to a loss of security at the site and at Mr Billings' address.
- Mrs O'Keefe echoed Mr Billings' comments and acknowledged that she was not opposed to the development, but was concerned that loss of the boundary wall for any length of time would lead to the damage of a number of established garden plants which were of sentimental value.

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

Members did not have any questions of clarification.

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### **Agent Representation**

Mr Adrian Keal in addressing the Committee raised the following points:

- Mr Keal welcomed the Officer's recommendation to approve the application.
- Mr Keal suggested that the introduction of thirteen flats to the site would improve the surveillance and security of the area.
- Mr Keal reported that the developer had responded to comments by the Tree Officer by revising the parking area in order to retain a cherry tree, which would enhance the setting of the car park.
- Mr Keal reported that he had met with Mr Billings and Mrs O'Keefe and that a strategy to comply with condition 26 and to replace the boundary wall as a matter importance had been agreed. Mr Keal reported that the developer had noted and would accommodate the concern not to leave the site open.

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

Members did not have any questions of clarification.

### **Ward Member Representation**

Councillor Gareth Hurley was not present at the meeting.

### **Questions to Officers**

In response to a request from Councillor Linden, Ms Nutchey read out condition 26 (as detailed below), which had not been included within the original agenda pack as produced on 14 September 2022.

Councillor Pask queried whether the condition could be amended to take account of the concerns raised by the objectors.

Mr Dray was not keen to amend the condition and place an unreasonable burden on the developer, however suggested amendment to a pre-commencement condition which would require the developer and objectors to agree a timetable of works that both were happy with.

Councillor Geoff Mayes queried whether the balustrade fencing was at the top or the bottom of the railway embankment. Ms Nutchey clarified that it was at site level and owned by Network Rail. Ms Nutchey further clarified that the trees being trimmed were within the land owned by Network Rail.

Councillor Geoff Mayes queried whether the development would utilise solar panels, and whether they would reduce the energy bill for the occupiers of the building, or whether the savings would go to the developer.

Ms Nutchey confirmed that the developer was looking to utilise solar panels on the building to reduce the need for power from the grid.

Councillor Pask commented that Councillor Mayes query did not relate to a planning matter.

Mr Dray clarified that discussions relating to the building and use of solar panels was a planning matter, but the lease and rental agreement were not a matter for discussion.

### **Debate**

Councillor Somner opened the debate by commenting that he was encouraged by the application and particularly the work that complied with the Council Policy CS51. Whilst he noted that the development would not be achieving complete net zero, Councillor

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Somner recognised that the proposals went a long way towards it and suggested that such aspirations should be encouraged.

Councillor Somner noted that the objections were few and appeared to be allayed by making a minor amendment to condition 26. On that basis Councillor Somner commented that he was happy to propose to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report.

Councillor Jo Stewart seconded the proposal.

Councillor Mackinnon commented that the application presented a good environmental development and that the developer had displayed a positive attitude in dealing with the objectors' concerns. Councillor Mackinnon supported the Officer's recommendation.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Richard Somner, seconded by Councillor Jo Stewart to grant planning permission, subject to the amendment to condition 26 to make it a pre-commencement condition to agree timetables for the demolition and creation of the new boundary wall and subject to the completion of a s106 agreement. At the vote the motion was carried.

**RESOLVED** that the Service Director for 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

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

Site location plan 02-00

Red line boundary and site access 02-60 Rev. B

Proposed site plan 02-03 Rev. C

Proposed site block plan 02-02 Rev. C

Proposed site plan with PV panels 02-04 rev. A

Proposed block A elevations (1 of 2) 05-10 rev. B

Proposed block A elevations (2 of 2)

Proposed block B elevations 05-12 Rev. B

Proposed first floor plans 03-11

Proposed second floor plans 03-12

Proposed third floor plans 03-13

External works details 05-20

Proposed ground floor plans 03-10 Rev. B

Ecological Impact Assessment by ECOSA

Arboricultural Impacts Assessment by SJ Stephens Associates

Proposed Landscape Strategy 02-04 Rev. B

Planning Noise Assessment by RSK Acoustics report 206/0400/R1

Planning Statement

Carbon Energy Statement

Archaeological desk-based assessment by Thames Valley Archaeological Services

Surface Water Drainage Strategy by Glanville Issue 4

Proposed site drainage 02-63 Rev. B

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Transport Statement by Bellamy Roberts  
Highways technical Note by Bellamy Roberts 20th Dec 2021  
Site ownership and car parking strategy 02-65 Rev. B  
Proposed bin and bike store 02-53 Rev.A  
Semi vertical bike rack information sheet

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

### **3. Schedule of materials**

No development shall commence until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external materials respect the character and appearance of the area. 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 Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the approved materials will be used throughout construction.

### **4. Floor levels**

No development shall take place until details of the finished floor levels of the building 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 proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework, Policies Cs14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the ground levels need to be established before works start.

### **5. Hard landscaping**

No property shall be occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

The scheme must include a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way.

Reason: Landscaping is an integral element of achieving high quality design and safety fencing is required adjacent to the railway line at the request of Network Rail to ensure public safety. 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.

### **6. Details of solar panels**



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No property shall be occupied until the PV panels have been installed in accordance with the approved details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the make of the panels and details to show how they sit within the roof and their coverage. The panels shall thereafter be retained in accordance with the approved details.

Reason: To ensure that the PV panels are sympathetic to the appearance of the property and do not harm the character and appearance of the conservation area. This is in accordance with the guidance within the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **7. Construction method statement**

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

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

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is necessary because insufficient detailed information accompanies the application and measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **8. Hours of work (construction/demolition)**

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;

No work shall be carried out at any time on Sundays or Bank Holidays.

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

### **9. Unexpected contamination**

If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation). The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the

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Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **10. Noise mitigation measures**

The development hereby approved shall not be occupied until the noise mitigation measures as set out in the Planning Noise Assessment by RSK Acoustics ref 206/0400/R1, submitted with the application, have been completed in accordance with these approved details. The noise mitigation measures shall be retained and maintained thereafter.

Reason: To protect future residents from noise from the railway line. To ensure a satisfactory relationship between the proposed development and the adjacent Railway. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **11. Lighting design strategy for light sensitive biodiversity**

No property shall be occupied until a lighting design strategy for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly ecologically sensitive and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: The introduction of artificial light might mean species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **12. Landscape and Ecological Management Plan (LEMP)**

No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.

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- (b) Plans to show the location of at least 4 bat roosting features and 10 swift boxes integrated within the new buildings.
- (c) Plans shall highlight any areas where breathable roofing membrane is used within the roof.
- (d) Ecological trends and constraints on site that might influence management.
- (e) Aims and objectives of management.
- (f) Appropriate management options for achieving aims and objectives.
- (g) Prescriptions for management actions.
- (h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period detailing the ongoing monitoring and remedial measures and the organisation responsible).

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the LEMP may need to be implemented during construction.

### **13. Construction Environmental Management Plan**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

### **14. Ecological Impact Assessment**

The development hereby approved shall be carried out in accordance with the Ecological Impact Assessment by ECOSA dated October 2021 unless otherwise agreed in writing

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by the Local Planning Authority. The measures shall thereafter be retained and maintained in accordance with the approved details.

Reason: To protect species on site in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **15. Archaeology**

No development including site clearance shall take place within the application area until a Stage 1 written scheme of investigation (WSI) for a programme of archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the WSI no site clearance work or development shall take place other than in accordance with the agreed WSI, which shall include: A. The Statement of significance and research objectives, the programme and methodology of archaeological site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting archaeological material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 205 of the 2021 National Planning Policy Framework and is accordant with the requirements of Policy CS19 of the West Berkshire Local Plan (2006-2026) 2012.

### **16. Electric Charging Points**

No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the electric vehicle charging points have been provided in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. 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). A pre-commencement condition is required because the location of points must be determined prior to construction work.

### **17. Access construction prior to occupation**

No dwelling shall be occupied until the alterations to the access onto Reading Road have been constructed in accordance with the approved drawings.

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

### **18. Visibility splays before development**

First works on site shall constitute the creation of the approved visibility splays of 2.4 metres by 25 metres at the site access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

### **19. Parking/turning in accord with plans**

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

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

### **20. Cycle parking**

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **21. No doors on car ports**

The car ports hereby permitted shall be kept available for parking (of private cars and/or private light goods vehicles) at all times. 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 car ports (including enclosing the sides / installed doors), 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 car ports are kept available for vehicle parking, and are not converted into garages, in the interest of road safety. The residential parking standards of Policy P1 do not count garages towards parking provision. This condition is applied 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 Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **22. Thames Water**

No development hereby approved shall commence until a Source Protection Strategy detailing how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The development shall be constructed in line with the recommendations of the strategy.

Reason: To ensure that the water resource is not detrimentally affected by the development. This condition is attached in accordance with the guidance within the National Planning Policy Framework. More detailed information can be obtained from

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Thames Waters' Groundwater Resources Team email  
[GroundwaterResources@Thameswater.co.uk](mailto:GroundwaterResources@Thameswater.co.uk) Tel: 0203 577 3603.

### 23. **Arboricultural supervision condition**

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

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the objectives of the National Planning Policy Framework and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### 24. **Tree Protection**

All Tree Protective Fencing shall be erected in accordance with the submitted SJ Stephens Tree Protection Plan, reference drawing number 1418-02 dated Feb 2022. The protective fencing shall be implemented and retained intact for the duration of the development. Within the fenced area(s), there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework and Policies ADPP1, ADPP5, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 25. **Landscaping**

No development shall take place until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). 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.

### 26. **Details of boundary treatment**

No development shall commence until details of the proposed boundary treatment to the rear of numbers 1-3 Pangbourne Place have been submitted to and approved in writing by the Local Planning Authority along with a timetable for the construction/erection of the

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approved boundary treatment. The approved boundary treatment shall thereafter be constructed in accordance with the approved details and timetable. This condition shall apply irrespective of the detail shown in the application documents.

Reason: To allow for different boundary treatment options to be considered and to ensure the boundary is marked by a safe and secure structure. 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.

### **27. Drainage Strategy**

The development hereby approved shall be carried out in accordance with the Surface Water Drainage Strategy by Glanville, Issue 4: 6 July 2022 unless otherwise agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the drainage measures have been completed in accordance with the approved details. The measures shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a suitable drainage strategy is secured in accordance with Policy CS16 of the West Berkshire Core Strategy 2006-2026 and the guidance set out within the National Planning Policy Framework.

#### ***Heads of Terms for Section 106 Agreement***

##### **Affordable housing**

Secure 4 shared ownership apartments.

##### ***Refusal Reasons (if Section 106 Agreement not completed)***

##### **Planning obligation**

The application fails to provide an appropriate planning obligation to secure 4 affordable housing units on site (30% provision) as is required by Policy CS6 of the West Berkshire Core Strategy 2006-2026 and in accordance with the National Planning Policy Framework and the Council's Planning Obligations SPD. This policy seeks to ensure the provision of affordable dwellings within the district where there is an identified need for such housing.

##### ***Informatives (if granted planning permission)***

#### **1. Positive 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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

#### **2. CIL**

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

#### **3. 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

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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.

### **4. 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.

### **5. 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.

### **6. Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority. Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or [highwaymaintenance@westberks.gov.uk](mailto:highwaymaintenance@westberks.gov.uk)

### **7. Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

### **8. Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

### **9. Thames Water**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

### **10. Thames Water**

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **11. Network Rail**

Please see full comments from Network Rail dated 24th November 2021. This raises important issues with regards to drainage, fencing, and encroachment onto the railway, scaffolding, vibro-impact machinery, crane use, a 2m gap and lighting. It is essential this is read before works start on site.



**(3) Application No. and Parish: 22/01080/FUL – Manns Farm, Nightingale Lane, Mortimer, Reading, RG7 3PS**

*(Councillor Geoff Mayes declared an interest in Agenda item 4(3) by virtue of the fact that he knew the applicants Mr and Mrs Strang as their Ward Member. As his interest was personal and not a prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/01080/FUL in respect of a proposal to convert an existing farm building and replace an existing farm building to provide a 'Wellness Centre' at Manns Farm, Nightingale Lane, Mortimer, Reading.

Ms Gemma Kirk, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory in planning terms and officers recommended that the Service Director Development and Regulation be authorised to refuse planning permission for the reasons listed in the main and update reports.

Mr Gareth Dowding, Principal Engineer (Traffic & Road Safety) commented that were permission granted to the application it would result in an increase of 90 cars per day which was felt to be excessive given the size of the road and the rural location of the proposed development.

In accordance with the Council's Constitution, Councillor Danusia Morsley, Parish Council representative, Mrs Melanie Wheeler, supporter, Mr William Strang, Mrs Camilla Strang and Mr James Fraser, applicants and agent, addressed the Committee on this application.

**Parish Council Representation**

Councillor Danusia Morsley of Stratfield Mortimer Parish Council in addressing the Committee raised the following points:

- Councillor Morsley noted that the Parish Council had initially supported the application with one minor reservation in relation to the lack of parking provision. This had since been rectified and the Parish Council now fully supported the proposal.
- There were no known objections locally to the application and Councillor Morsley suggested that residents preferred to see the type of agricultural diversification proposed rather than industrial use.
- Councillor Morsley commented that the application adhered to the Parish Council's neighbourhood plan, and in particular policy C6.
- Residents were keen to welcome the development and Councillor Morsley anticipated substantial local use, as the nearest alternative yoga class was five miles away.
- Councillor Morsley commented that Manns Farm was the closest farm to the centre of the village, and consequently the best farm to offer a service which would benefit residents of the village.
- It was suggested that the application suggested a good use of existing buildings and provided a well thought out development plan.
- Residents of the village all strongly supported the application and Councillor Morsley urged Officer's to review their decision and to support the application.

**Member Questions to the Parish Council**

Members did not have any questions of clarification.

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

### **Supporter Representation**

Mrs Melanie Wheeler in addressing the Committee raised the following points:

- Mrs Wheeler commented that the application proposed use of an existing building, in a tranquil setting in the heart of the village, and that she fully supported the plans.
- Mrs Wheeler suggested that the Wellness Centre would provide a sought after service that was not currently available to residents without commuting.
- It was suggested that the Wellness Centre would provide a mental wellbeing benefit to all ages of the village and help to connect people. Mrs Wheeler further commented that the benefit in getting people active was also important, particularly following the impact of the pandemic.
- It was suggested that the proposal was environmentally beneficial as it would negate the need for villagers to travel for sport classes.

### **Member Questions to the Supporter**

Members did not have any questions of clarification.

### **Applicant & Agent Representation**

Mr William Strang, Mrs Camilla Strang and Mr James Fraser (Agent), in addressing the Committee raised the following points:

- Mr Fraser reported that the site was only just over half a mile from the centre of Mortimer, with its regular bus service, and with close proximity of a local footpath to provide alternative access to the site.
- In response to Mr Dowding's concern that users would travel from further afield than the village, Mr Fraser argued that the population of Burghfield and Mortimer would be sufficient to support the proposed facility.
- Mr Fraser commented that the proposed centre would be able to provide much needed wellness facilities to the surrounding area, and highlighted the beneficial aspect of allowing the application in the creation of jobs for local residents.
- Mr Strang introduced himself as a third generation farmer, farming 175 hectares of mainly arable land. Mr Strang emphasised the importance for farmers to diversify, particularly as subsidy payments were withdrawn over the next four years.
- Mr Strang noted that central government was encouraging diversification, and commented that he and his wife had managed to secure a substantial Leader grant for the application which was helping to make it financially possible.
- Mr Strang commented that his wife would be responsible for the day-to-day running of the business, and suggested that practices offered by the centre would benefit local residents both in terms of physical and mental health.
- Mr Strang suggested that it was strange to be failing at the first hurdle when there was such support for rural diversification from central government.
- Mrs Strang reported that she was trained in reiki, yoga, hypno-birthing and hypnotherapy and was looking to offer wellness for the mind, body and soul for those that joined.

### **Member Questions to the Applicants & Agent**

Councillor Mackinnon queried whether ninety-three additional car movements a day was a reasonable expectation. Mrs Strang responded that the calculation was based on full

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

capacity and that it was intended that there would never be more than fifteen people in the studio.

Councillor Stewart queried the square footage of the current farm building in comparison to the proposed development. Mr Dray clarified that the gross internal floor space of the existing building was 173.3m<sup>2</sup> and that the proposed building would be 192.6m<sup>2</sup>.

Councillor Mayes noted that there was no bus service on a Sunday and suggested that users would consequently need to use a bicycle or car. Councillor Mayes queried the distance from the bus stop and accessibility to the Wellness Centre on a Sunday. Mr Strang responded that he had anticipated that most users of the Wellness Centre would be walking from the village. Mr Fraser stated that the distance had been calculated from Ordnance Survey maps.

### **Ward Member Representation**

Councillor Graham Bridgman in addressing the Committee raised the following points:

- As the Portfolio Holder for Health and Wellbeing, Councillor Bridgman commented that he was keen on any development that would enhance the health and wellbeing of residents of West Berkshire.
- Noting the floor space of the proposed development Councillor Bridgman reflected that a permitted development area related to a space the size of 150m<sup>2</sup>, for which there was no requirement to prove sustainability.
- Councillor Bridgman suggested that the key issue with the development related to sustainability. Councillor Bridgman referred to the amended reason for refusal which referred to policies ADDP1 and ADDP6, advising that only appropriate limited development would be allowed, and Policy CS10 of the Core Strategy which supported proposals to diversify the rural economy in suitable locations. Councillor Bridgman suggested that CS10 should be preferred of the sets of policies.
- In relation to the assertion that the Wellness Centre would increase traffic in a remote, rural location, Councillor Bridgman suggested that the farm was not remote. Councillor Bridgman reported that Mortimer was a rural service centre with approximately four thousand residents, with neighbouring Burghfield a rural service centre of six thousand residents. As such, Councillor Bridgman suggested that both had the scope to provide the clientele for the site.
- Councillor Bridgman estimated that the nearest bus stop was one kilometre away and that Mortimer railway station was just over two kilometres away, each of which were accessible by designated public footpath.
- Councillor Bridgman reiterated Councillor Morsley's assertion that the centre might reduce traffic, by residents not having to travel away from the village for health classes.

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

Councillor Linden queried whether Councillor Bridgman felt that the weight of the policies was important and subjective.

Councillor Bridgman suggested that the evidence within the report was not substantiated as the site was not remote and was very well served by public rights of way within Mortimer.

### **Member Questions to Officers**

Councillor Mackinnon referred to paragraph 5.8 of the report which referenced paragraph 85 of the National Planning Policy Framework and queried why the paragraph had not

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

been referred to in full. Councillor Mackinnon suggested that there was a sentence missing from the end of the paragraph which could potentially provide an alternative interpretation. He asserted that the following sentence had not been included:- 'The use of previously developed lands and sites physically well related to existing settlements should be encouraged where suitable opportunities exist'.

Mr Dray confirmed that Councillor Mackinnon had provided a correct reading of the full paragraph.

Councillor Mackinnon queried how the figure of ninety-three vehicle movements a day had been calculated. Mr Dowding responded that standard calculations had been undertaken to work out the movements from a commercial business of the size proposed. Further, there had been some traffic figures supplied by the applicant which had been verified. Mr Dray added that when officers made such calculations, figures would be based on a worst case scenario.

Councillor Mackinnon commented that in the amended reason for refusal officers had quoted that the proposed application was contrary to Policy CS10, and he queried the reasoning for this assertion. Mr Dray clarified that it was due to the fact of the centre not being immediately adjacent to a rural service centre, but acknowledged that it was a judgement issue.

Mr Dray suggested that when deciding the application, Members should interpret the policies as a whole and judge accordingly. He explained that officers had reviewed the application in a worst case scenario and had determined that it was too remote, however if Members wished to approve the application and could prove their decision reasonable then that would be acceptable.

### **Debate**

Councillor Mackinnon opened the debate by expressing satisfaction that determination of the application was down to Members' judgement. Councillor Mackinnon suggested that there were three elements of sustainability; namely economic, social and environmental. Councillor Mackinnon noted that the report recognised the economic benefits to the applicants, but suggested that there were also benefits to independent practitioners renting use of the studios. Councillor Mackinnon further noted the social benefit of the Wellness Centre, which had again been recognised in the Officer's report. Councillor Mackinnon commented that it was the suggested environmental detriment that he felt had wrongly been determined to outweigh the economic and social benefits.

Councillor Mackinnon suggested that many rural businesses were originally farms that were all being told by central government to diversify. Councillor Mackinnon suggested that very few were as close to a rural service centre as Manns Farm and suggested that the weighting awarded to environmental sustainability was disproportionate.

Councillor Mackinnon suggested that even if the forecast ninety-three extra vehicles a day were to occur, this would only equate approximately to an extra vehicle using the lane every ten minutes. Councillor Mackinnon concluded that the economic and social benefits of the scheme outweighed any negative environmental impact, that the proposal would comply with policies and consequently that he would support the application, and reject the Officer's recommendation.

Councillor Linden concurred with Councillor Mackinnon's comments and suggested that the proposed application was important for health and wellbeing, and community cohesion.

Councillor Somner did not feel that it was a straightforward decision. Councillor Somner referred to the estimated studio capacity of twenty-four people and suggested it was a

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

fairly large number. Councillor Somner commented that he liked the application and what it was aiming to achieve, however had reservations relating to the access road. Councillor Somner urged Members to be careful when reaching their decisions.

Councillor Mayes commented that he supported Councillor Mackinnon's comments and proposed approval of the application, contrary to Officer's advice.

Councillor Mayes acknowledged that Nightingale Lane was particularly narrow, however estimated that most users of the centre would be travelling from the western end of the lane and so would cause minimal impact.

Councillor Stewart, as mental health champion and Portfolio Holder for Adult Social Care commended the application on the basis of the benefits that it could provide local residents. Councillor Stewart was interested to hear the Parish Council view of support and whilst acknowledging that she was wary to go against Officer's advice commented that further to the debate that had taken place was erring towards supporting the proposal to approve the application.

Mr Dray summed up the debate noting that Members had concluded that the social and economic benefits of the application outweighed the accessibility stipulations.

Mr Dray requested delegation for officers to apply conditions subject to the approval.

Mr Dowding requested that standard highway conditions be added to the application, including a Construction Method Statement.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Geoff Mayes, seconded by Councillor Jo Stewart to grant planning permission. At the vote the motion was carried.

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

### **Conditions**

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

The development hereby permitted shall begin not later than three years from the date of this decision.

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**

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing PL-04 (Existing Location and Site Plan) received on 04.05.2022;

Drawing PL-05 A (Proposed Block Plan) received on 19.08.2022;

Drawing PL-06 (Proposed Floor Plan) received on 04.05.2022;

Drawing PL-07 (Proposed Elevations) received on 04.05.2022.

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

#### **3. Materials (as specified)**

The materials to be used in the development hereby permitted shall be as specified on the plans, the application form and the Design, Access and Planning Statement (BCM, April 2022, 10041). Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026),

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Supplementary Planning Document Quality Design (June 2006) and Stratfield Mortimer Village Design Statement (2007).

### **4. Biodiversity protection during construction**

Construction works shall not be carried out except in accordance with the mitigation measures in 5.3.2 (Badger), 5.3.3 (Nesting Birds) and 5.3.4 (NERC Act Species of Principal Importance/Local BAP Species) in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Enims, EC1917, April 2022) received on 04.05.2022.

Reason: To ensure the protection of protected species during construction works. Mitigation measures will ensure Badgers are not trapped and harmed on site and also to ensure that badgers do not cause problems for future site operation. Badgers are protected under the Protection of Badgers Act 1992. The condition also ensures that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026 and Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **5. Pre-commencement: Construction method statement**

No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (f) Hours of construction and demolition work;
- (g) An emergency plan providing policies and procedures for the preparedness and response to an incident at AWE Aldermaston/Burghfield during demolition and construction work.

Reason: To safeguard the amenity of adjoining land uses and occupiers, in the interests of highway safety and in order to ensure the protection of any construction staff should there be a radiation emergency at AWE. This condition is applied in accordance with the National Planning Policy Framework, Policies CS8, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations. Agreed: 10.10.2022.

### **6. Pre-commencement: Emergency planning (outline)**

No change of use/ construction/ development, shall take place until an outline Emergency Plan for wellbeing centre has been submitted to and approved in writing by the Local Planning Authority. In order to provide assurance that an effective plan will be put in place, normally this means that only the final contact details and names are not completed. The Emergency Plan must cover the processes for:

- activation of the plan,

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- sheltering,
- supporting the vulnerable residents, staff and visitors whilst in sheltering
- conditions,
- evacuation, and
- recovery

Thereafter the approved Emergency Plan (or any approved revision) shall be implemented in full for the duration of the development/use.

Reason: In order to ensure that the change of use will not have an impact on the AWE Off-Site Emergency Plan and therefore place the people on the site and the response at risk should there be a radiation emergency at AWE. This is in accordance with the National Planning Policy Framework and Policy CS8 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition to provide the assurances that the use can operate from the site without impacting upon the AWE Off-Site Emergency Plan. Agreed: 10.10.2022.

### **7. Bat mitigation measures**

No further licensable works shall take place until a protected species method statement has been submitted and approved in writing. This shall include details on how construction works will take place without harming bat species and how bat roosts will be reinstated into the new roof. Thereafter construction works shall be carried out in accordance with the approved details.

Reason: To ensure the adequate safeguarding of protected bat species in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Stratfield Mortimer Neighbourhood Development Plan (2017) and Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **8. Energy statement**

Prior to the construction of the replacement building and extension hereby approved an energy statement shall be submitted and approved in writing by the local planning authority. This shall include details on how the development seeks to both mitigate and adapt to climate change. The development shall hereby be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **9. Drainage strategy**

Prior to the construction of the replacement building and extension hereby approved details of a drainage strategy shall be submitted and confirmed in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with these details thereafter.

Reason: To ensure surface water will be managed in a sustainable manner. This condition is applied in accordance with the National Planning Policy Framework and Policy CS16 of the Core Strategy.

### **10. Biodiversity enhancements/measures**

The use hereby permitted shall not commence until the following biodiversity measures have been installed/constructed: two bat roosting features, an appropriate roof liner and six bird boxes (including one owl box) these will need to be integrated into the structure

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

or extensions. This will be in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Stratfield Mortimer Neighbourhood Development Plan (2017) and Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **11. Hard landscaping**

The use hereby permitted shall not commence until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

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), Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Quality Design SPD.

### **12. Soft landscaping**

The use hereby permitted shall not commence until a detailed soft landscaping scheme has been completed in accordance with a soft landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. 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. Soft landscaping is important to the protection of biodiversity and protected species at the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Quality Design SPD.

### **13. Vehicle parking**

The use hereby permitted shall not commence until vehicle parking for the Wellness Centre (including any surfacing arrangements and marking out) have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. 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 and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

### **14. Electric vehicle charging point**



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The use shall not commence until an electric vehicle charging point has been provided in accordance with details that have first been submitted and approved in writing by the local planning authority. 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 vehicles. This condition is imposed in accordance with the National Planning Policy Framework, 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).

### **15. Cycle parking**

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

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16. Visibility splays**

The Wellness Centre hereby approved shall not be first occupied until visibility splays of 2.4 metres x 35.0 metres have been provided in both directions in accordance with Appendix 3 of Highway Technical Note by Nick Culhane (Drawing NJC-001) received on 04.05.2022. Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006- 2026.

### **17. Emergency planning (detailed)**

No occupation of the Wellbeing Centre, shall take place until a comprehensive Emergency Plan has been submitted to and approved in writing by the Local Planning Authority.

Upon occupation the approved measures within the Emergency Plans shall be implemented in full, shall be kept up-to-date by unit operator and management/owners. Thereafter, the plan should be reviewed and amended as necessary and at least annually. The Local Planning Authority may at any time require the amendment of the plan by giving notice pursuant to this condition. The Local Planning Authority may at any time require a copy of the then current Emergency Plan for the site which shall be submitted to the Local Planning Authority within 1 month of notice being given.

Reason: In order to ensure that the wellbeing centre has integrated emergency plans that will not have an impact on the AWE Off-Site Emergency Plan and will mitigate the risk to those people on the site. This is in accordance with the National Planning Policy Framework and Policy CS8 of the West Berkshire Core Strategy (2006-2026).

### **18. External lighting**

No external lighting shall be installed within the application site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), the direction in which lighting is facing to prevent disturbance to protected species and specifications all

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

lighting. No external lighting shall be installed at the application site except in accordance with the above strategy.

Reason: To protect the rural character of the area and to ensure the conservation and enhancement of the biodiversity assets on the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026, Stratfield Mortimer Neighbourhood Development Plan (2017) and Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **19. Time limit on development before further surveys are required**

If the refurbishment works to the timber cart shed and demolition of the steel framed barn hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 12 months for bat species and 3 years for the other species (included within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Enims, EC1917, April 2022)) from the date of the planning permission, the approved ecological measures secured through Condition 4, 7 and 10 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of protected species and (ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of the refurbishment works to the timber cart shed and demolition of the steel framed barn Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**IMPORTANT:** If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.

Reason: To ensure the conservation and enhancement of protected species identified at the site or which commute and forage in the locality. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Stratfield Mortimer Neighbourhood Development Plan (2017), Policy ENV.16 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and statutory obligations for protected species.

### **20. Customer opening hours**

The Wellness Centre hereby permitted shall not be open to customers outside of the following hours:

Mondays to Fridays: 07:00 to 21:00

Saturdays: 08:00 to 18:00

Sundays and public holidays: 10:00 to 16:00

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), Stratfield Mortimer Neighbourhood Development Plan (2017) and Policy ENV.16 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **21. Permitted uses within Class E**

## **EASTERN AREA PLANNING COMMITTEE - 5 OCTOBER 2022 - MINUTES**

The development shall be used for Use Class E(d) and E(e) only and for no other purpose, including any other purpose in Class E 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: The application site is located within a rural location in which another use may not be appropriate including other uses within Use Class E in terms of a sustainable location and impact on highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS10, CS11 and CS13 of the West Berkshire Core Strategy (2006-2026), the Local Transport Plan for West Berkshire (2011-2026) and the NPPF.

### **Informatives**

#### **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.

#### **Pre-commencement conditions**

Conditions nos. 5 and 6 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.

#### **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.

#### **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.

#### **European Protected Species Licence**

The applicants are reminded that a European Protected Species Licence may be required for some works proposed to be undertaken as part of this planning permission. It is recommended to seek advice from Natural England before works commence. If a licence is required this is required to be issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead before works commence.

#### **Great Crested Newt mitigation pond(s)**

The Council's Ecologist advises that the land owner/applicant may wish to consider giving over some of their land for the creation of GCN mitigation pond(s), if so please to speak with ourselves and the LPAs managing agents for the GCN District licence (NatureSpace). There is some remuneration for managing and giving land over to this purpose.

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**Conversion**

This notice grants planning permission for the conversion of the existing timber cart shed to Wellbeing Centre. It does not grant planning permission for the demolition (in full or in part) and rebuilding of the building, except where expressly shown on the approved plans. Any material deviation from the approved plans could render the development liable to enforcement action. Such redevelopments or rebuilds are subject to more restrictive planning policies, and so planning permission may not be granted for an alternative scheme. You are therefore strongly advised to ensure conversion works are in accordance with the approved details, and to seek professional planning advice if any issues arise when carrying out conversion works.

*(The meeting commenced at 6.30pm and closed at 8.45pm)*

**CHAIRMAN** .....

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

# 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 OCTOBER 2022

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

**Also Present:** Bob Dray (Development Control Manager), Thomas Dunn (Principal Policy Officer), Lydia Mather (Team Leader, Development Control), Benjamin Ryan (Democratic Services Officer), Matthew Shepherd (Senior Planning Officer) and Beth Varcoe (Principal Solicitor)

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

#### PART I

##### 21. Minutes

The Minutes of the meeting held on 5 October 2022 were deferred to the next meeting for approval.

##### 22. Declarations of Interest

All Councillors present declared an interest in Agenda Item 4(1) but reported that, as their interest was a personal interest they determined to remain to take part in the debate and vote on the matter.

##### 23. Schedule of Planning Applications

###### (1) Application No. & Parish: 22/01062/FULD - Shortheath House, Shortheath Lane, Sulhamstead

*(All Councillors present declared a personal interest in Agenda Item 4(1) by virtue of the fact that members of the Chopping family and Mr John Cornwell (Agent) were 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.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/01062/FULD in respect of the conversion and extension of an existing outbuilding to form a single dwelling.

Mr Matthew Shepherd (Senior Planning Officer) introduced the item and highlighted the key points in the report.

In accordance with the Council's Constitution, Mr Cornwell, Agent, addressed the Committee on this application.

###### **Applicant/Agent Representations:**

Mr Cornwell in addressing the Committee raised the following points:

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- That the core point of Policy C4 was to ensure that there were no adverse effects on the surrounding countryside and because the property was not visible to the public there would be no visual impact on the environment. This application could be considered as an exception to policy because the development would be hidden from public view.
- The original plans needed to be altered so they could facilitate a home office, which was seen as a necessity due to the increased need to work from home.
- That the addition of glazed windows would allow the original elevation to remain in view.
- The original planning approval removed the Permitted Development Rights, therefore the plan had to be changed to add the extension.

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

Councillor Keith Woodhams wanted to understand why the hidden nature of the property equated to there being no environmental impact. Mr Cornwell replied that the policy's aim was to stop new developments having a negative impact on the area and that if the building was on the roadside it would have a detrimental visual effect on the environment, however because it was hidden this would not be the case.

Councillor Woodhams asked whether the applicant had taken advantage of the pre-application service, to which Mr Cornwell responded that he had tried to have discussions with the Planning Team after the last Committee, but had little to no response from Officers.

### **Members Questions to the Officers:**

Councillor Macro expressed concern over the lack of response from consultees on the application and wanted to know whether there was a particular reason for this. Mr Shepherd explained that there was an error in the report and that it should have stated that the Ecologist had no objections subject to the provided conditions and that there was nothing else the other Officers would have deemed necessary to comment on.

### **Debate:**

Councillor Graham Pask reminded the Committee that they could interpret policy within good reason, which would not set a precedent in the future.

Councillor Woodhams quoted several elements from the report. Firstly, on page nine, paragraph 5.6, it stated that the new plans failed to comply with criterion one of Policy C4, which explained that the plans were considered to include a substantial extension and alterations. Secondly paragraph 5.7 clarified that the proposal changed the overall form of the roof, which was considered a substantial alteration. Thirdly, paragraph 5.15 stated that the plans were considered not to comply with points one and five of Policy C4, which was written in such a way that all criteria had to be met and finally, on page 11, paragraph 5.21, the proposed development was not considered in keeping with the overall character of the area, as the proposal aimed to create a large dwelling of modern design, which was in contrast to the existing modest farmhouse building and rural aesthetic.

Councillor Jeremy Cottam highlighted that if there was just one change to the look of the property there could have been room for interpretation, however as there were several issues raised by Officers and because the Committee was policy led, he felt that he could not support permission for the planning application.

Councillor Jo Stewart expressed that she was not able to go on the site visit and therefore she had used Google Maps to understand the relationship of the property to the

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countryside. Councillor Stewart understood that the changes proposed were to accommodate home working, however the amount of changes put forward seemed to take advantage of this fact.

Councillor Tony Linden argued that even in the winter you would not be able to see the property due to the tree line and that the 0.8 metre increase in height was not a substantial change, on the other hand, the proposed windows were of a different character to the original building. Councillor Linden understood that the policy allowed for marginal change and would keep that in mind during the rest of the debate.

Councillor Richard Somner stressed that the Committee's reason for existence was to look at applications that could be an exception to policy and he believed that this application was a potential exception due to the hidden nature of the location. Councillor Somner was sympathetic to what the Applicant and Agent were trying to achieve and that this was an opportunity for the creation of a high quality dwelling.

Councillor Alan Macro argued that there were two clear changes that the Officers considered substantial and that the lack of visibility of the site was not guaranteed long term as a lot of trees were being lost to disease.

Councillor Somner responded that there was not a strict definition of substantial and that the Committee's purpose was to decide what the definition was. Councillor Somner stressed that the Committee had to make a decision on the facts as they were now, as the unpredictability of the future would prevent any decision being made.

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

Ms Lydia Mather wanted to know whether the derogation test from ecology could be delegated to Officers for an informative should there be an appeal, which was agreed by the Committee and Councillor Cottam also wanted an informative to be added to protect the tree on the land should this be necessary post a potential appeal. This was also agreed by the Committee.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Woodhams, seconded by Councillor Cottam, to accept Officers' recommendations to refuse the planning application.

**RESOLVED** that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

### ***Refusal Reasons***

#### **1. Principle of development and character of the area**

Policy C1 of the Housing Site Allocations (HSA) DPD 2006-2026 gives a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to some forms of development listed in the policy, one of which is the conversion of redundant buildings. Policy C4 sets out criteria for conversions that qualify as exceptions in Policy C1.

The proposed development does not comply with criterion i. of Policy C4 due to the development including substantial extension and alteration. The proposed development includes raising the ridge height, a two storey extension to the south elevation and a sun room lobby running along the edge of the southern elevation.

The changes to the existing barn through alteration and extension would create a dwelling in the countryside that is not in keeping with the original character of the barn. Raising the ridgeline increases the height and bulk of the barn visibly changing the massing of the rural barn. Adding another gabled ended two storey development

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increases the floor space and built form of the barn, changing its existing physical appearance. The sun room element would add glazing which would alter the appearance of the building from an existing modest rural barn to a large dwelling of modern design. The cumulative impact of each of these extensions/changes is the loss of the rural nature of the existing barn. These changes have an adverse impact on the rural character of the existing building and site. The development does not comply with vi. of Policy C4.

The proposed development would have an adverse impact on the character of the existing barn. The proposed development is therefore not in keeping with the rural character of the area. The alterations and extensions to the barn create a large dwelling of modern design rather than retaining the modestly proportioned barn’s character and rural aesthetic.

The proposed development does not comply with criteria i and vi of Policy C4. Policy C4 is written in such a way that each individually criteria must be met for the development to comply with the policy. The principle of development is not acceptable in accordance with Policy C4 of the HSA DPD, and is therefore contrary to the Council’s strategy for locating new housing as set out in Policies ADPP1, ADP6 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C4 of the HSA DPD. The proposed development also conflicts with Policies CS14 and CS19 of the Core Strategy, and Policy C3 of the HSA DPD in terms of the harm to the character and appearance of the area

**Informatives**

1. The proposed development does not accord with the development plan policy for conversion of redundant buildings in the countryside and there are protected species on site and within the building. It is not considered that the proposal is for an imperative reason of overriding public interest (IROPI), and there is a satisfactory alternative (i.e. there is the option of doing nothing). As such the proposed development does not pass the first or second derogation tests of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc.) Regulations 2010. In the event of an appeal, this matter is drawn to the Inspector's attention, together with paragraph 5.28 to 5.36 of the report to the Eastern Area Planning Committee of 26th October 2022.
2. The application has been considered by West Berkshire Council and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.
3. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve economic, social and environmental conditions of the area.

*(The meeting commenced at 6.30 pm and closed at 7.10 pm)*

**CHAIRMAN** .....

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



# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/01698/FULMAJ Thatcham	25/10/2021 <sup>1</sup>	Partial demolition of existing dwellings (14 & 16 Chapel Street) and construction of 9No. one bedroom apartments and 2No. two bedroom houses, including parking and stores.  12 -16 Chapel Street Thatcham West Berkshire RG18 4QL.  Mr T Young

<sup>1</sup> Extension of time agreed with applicant until 18/11/2022

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/01698/FULMAJ>

**Recommendation Summary:** To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

**Ward Members:** Councillors Jeremy Cottam and Lee Dillon

**Reason for Committee Determination:** The application has received 10 letters of objections and officers are recommending approval subject to conditions.

**Committee Site Visit:** 9<sup>th</sup> November 2022

## Contact Officer Details

**Name:** Mr Matthew Shepherd  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Matthew.Shepherd@Westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for the partial demolition of existing dwellings (14 & 16 Chapel Street) and construction of 9No. one bedroom apartments and 2No. two bedroom houses, including parking and stores at 12-16 Chapel Street Thatcham, West Berkshire, RG18 4QL. The proposal includes the retention of two existing dwellings, meaning the gross dwellings proposed is 13 on site.
- 1.2 The application site comprises three dwellings to the south adjacent to the A4 Chapel Street. There is an existing vehicular access to the east of these terraced dwellings which enters into a parking area to the north of the site. The site has an area of hardstanding for parking and the area further north is laid to grass. The site is rectangular, long and thin. It is bounded by a care home to the west, a playschool and civic buildings to the east and dwellings to the north.
- 1.3 The proposed development includes demolishing one existing end of terrace dwelling to the south of the site to create a wider entrance. A pair of semi-detached dwellings are proposed to the middle of the site with rear gardens. A block of flats is proposed to the north of the site with shared amenity space to the north. In-between the site is parking and areas that are shown to be landscaped.

## 2. Relevant Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
19/01855/FULEXT	Demolition of existing dwellings (3No.) and construction of 17No. one and two bedroom apartments, including parking and stores	Refused 31.10.2019.
APP/W0340/W/20/3251653	Appeal against refusal of 19/01855/FULEXT.	Appeal dismissed 04.02.2021.

- 2.2 The current proposal follows appeal decision APP/W0340/W/20/3251653, and so the decision letter is appended to this report for assistance.

## 3. Procedural Matters

- 3.1 **EIA:** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Site notices were displayed on 19.08.2021 to the front of the development site on Chapel Street, the deadline for representations expired on 09.09.2021. A public notice was displayed in the Newbury Weekly News on 05.08.2021.

- 3.3 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Thatcham Town Council:</b>	Thatcham Town Council object to the proposed development on the grounds of overdevelopment of the site, privacy and overlooking issues, loss of character and obstruction of the footpath to access the site.
<b>WBC Highways:</b>	No objections subject to conditions.
<b>WBC Housing Officer:</b>	Affordable Housing- The applicants are proposing 13 dwellings on this site and as such 30% of all dwellings on site are required for affordable housing provision, we would therefore expect 4 affordable housing dwellings to be provided on site.
<b>WBC Conservation Officer:</b>	No objections.
<b>Thames Water Utilities:</b>	No objections subject to conditions and informatives.
<b>WBC Tree Officer:</b>	No objections subject to conditions.
<b>Environment Agency:</b>	No response within the 21 day consultation period.
<b>WBC Environmental Health:</b>	No objections subject to conditions.
<b>Royal Berkshire Fire and Rescue:</b>	No response within the 21 day consultation period.
<b>West Berkshire Spokes:</b>	No comments.
<b>WBC Archaeology:</b>	No objections subject to conditions.

<b>Lead Local Flood Authority:</b>	No objections subject to conditions.
<b>WBC Waste Management:</b>	No response within the 21 day consultation period.

### ***Public representations***

4.2 Representations have been received from 10 contributors, all of which object to the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Concern raised in regards to overlooking of adjacent dwellings.
- The proposed landscaping options of trees on the boundary are likely to have an adverse impact on neighbouring dwellings in regards to overshadowing and possible impacts to foundations.
- The proposed balconies will have a direct line of sight into bedrooms and into gardens.
- There will be a noticeable increase in general noise, pollution and hazards to the immediate area and local community.
- There will be an influx of vehicles crossing pavements to get into the development giving rise to conflict with pedestrians and children attending the adjacent playschool.
- There is concern in regards to surface water.
- The development as proposed is too large and overpowering for the space available.
- Concern raised in regards to overlooking to neighbouring care home and playschool.
- Concern raised in regards to location of cycle store adjacent to boundaries.
- The site is currently open and attracts birds and other ecology.
- The proposed development is considered out of keeping with the character of the area.
- There is considered to be insufficient parking to serve the development.
- The development is not addressing the specific need for affordable housing in the area.
- The proposed exit of this development would have to cross a cycle lane and into a busy area of the highways network.
- The proposed development has been designed to maximise the number of units on site and has not taken account of neighbouring dwellings.
- The site is adjacent to the Conservation Area whereby the development may cause harm.

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP3, CS1, CS4, CS5, CS6, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

- Policies C1, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS.1, OVS.5, OVS6, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Housing mix
- Affordable housing provision
- Design, character and appearance
- Neighbouring amenity
- Future occupants' amenity
- Sustainable construction and energy efficiency
- Archaeology
- Highway matters
- Flooding and drainage
- Trees and ecology

### *Principle of development*

6.2 Area Delivery Plan Policy 1 of the Core Strategy directs development to within existing settlement boundaries and sets out the settlement hierarchy for the district. This site is within the settlement boundary of Thatcham, in a location where Policy ADPP1 would seek development to occur. Policy ADPP3 notes that Thatcham will accommodate approximately 900 homes of the total allocation for the District over the Core Strategy period in line with its role within the District Settlement Hierarchy.

6.3 Policy CS1 states that new homes will primarily be developed on suitable previously developed or other suitable land within settlement boundaries, strategic sites, broad locations within the Core Strategy or land allocated for residential development in subsequent development plan documents (DPD). Policy C1 of the HSA DPD gives a presumption in favour of development and redevelopment within the settlement boundary of Thatcham. It qualifies that planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB or where development would have an adverse cumulative impact on the environment or highway safety.

6.4 Being within the settlement boundary the principle of the proposed development is acceptable. This is subject to the proposal otherwise being in accordance with development plan policies on design, impact on the character of the area, and impact on the amenity of neighbouring land uses, among other material considerations.

### ***Housing mix***

- 6.5 Policy CS4 of the Core Strategy expects residential development to deliver an appropriate mix of dwelling sizes and types to meet the housing needs of all sectors of the community, including those with specialist requirements. The application form states the market housing will consist of nine with one-bedroom flats and four with two bedrooms. This is considered to be an appropriate mix for this near town centre location.
- 6.6 Policy CS4 further states that development will make efficient use of land with greater intensity of development at places with good public transport accessibility. Higher densities above 50 dwellings per hectare may be achievable in town centres, particularly in parts of Newbury town centre, and along main transport routes and close to transport nodes. The site area is 0.15 hectares, which means the proposal equates to a density of approximately 73 dwellings per hectare.

### ***Affordable housing provision***

- 6.7 In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. The applicants are proposing 13 (gross) dwellings on this site and as such 30% of all dwellings on site are required for affordable housing provision. Four affordable housing dwellings would therefore be expected to be provided on site.
- 6.8 The Council's SPD states the affordable housing should consist of 70% social rent and 30% intermediate housing options such as shared ownership. The First Homes guidance allows Council's to retain their policy compliant level of Social Rent whilst incorporating First Homes in to their Affordable Homes tenure mix, as such the following is the breakdown of the tenure split we'd be looking for:
- Social rent – 70%
  - First Homes – 25%
  - Shared Ownership – 5%
- 6.9 As the Council require 4 affordable housing dwellings on this site, they should consist of 3 of Social Rent tenure and 1 of first homes.
- 6.10 The Council's policy is subject to economics, and the case has been put forward that affordable housing would make the proposal unviable. The previous appeal APP/W0340/W/20/3251653 on the site concluded that there was a small surplus and that the development could make a contribution to affordable housing.
- 6.11 As part of this application viability appraisals were submitted by the applicants showing that the development was unviable and therefore could not contribute to affordable housing. Officers have approached an independent consultant for a review of the viability of the proposal. The responses of the consultants are commercially sensitive and have been included as a Part II report to the committee.
- 6.12 However, overall due to the ongoing issues in regards to materials costs and other external factors it is considered that the small surplus there once was for the previous development has been lost by external factors and by a reduction in the quantum of development. Therefore the development is considered to be unviable and therefore cannot deliver affordable housing provision on site or as a contribution.
- 6.13 On this basis it is concluded that the proposal complies with Policy CS15 without the provision of affordable housing.

## ***Design, character and appearance***

- 6.14 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings.
- 6.15 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place. Design is required to make a positive contribution to the quality of life in West Berkshire. Development is expected to create safe environments, addressing crime prevention and community safety whilst ensuring accessibility for many users.
- 6.16 Policy CS19 states that particular regard will be given to (a) the sensitivity of the area to change, (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and (c) the conservation and, where appropriate, enhancement of heritage assets and their settings.
- 6.17 The main concern from a building conservation point of view was considered to be the impact of the proposals on the character and appearance of the street scene, and the setting of nearby listed buildings (green below) and Conservation Area (yellow outline).



- 6.18 The previous appeal decision APP/W0340/W/20/3251653 addressed the issue of the character of the area. The Conservation Officer assessed that the appeal decision commented on the existing traditional street frontage character, noting buildings of generally two storeys with hipped or pitched roofs positioned with their front elevations against the back edge of pavement, with occasional breaks providing variety in the street scene. It should be noted there are more modern developments adjoining and near the site. The appeal proposed a taller building spanning the width of the site enclosing a carriage entrance in the middle. The Inspector, whilst not being convinced of the historic importance of the existing frontage buildings, noted their vernacular appearance and their contribution to the traditional character of the street, despite some unsympathetic alterations reducing their visual quality. The Inspector concluded that as long as any replacement achieved a similar or better contribution to the street scene there would be insufficient reason to resist their removal.
- 6.19 In terms of the frontage appearance of the site, the current proposals retain two of the three frontage properties, demolishing the third, which will largely retain the existing

character of the street frontage, albeit with a wider gap between buildings, thus (taking into account the Inspector's comments) tipping the balance in favour of the proposals from a building conservation point of view.

- 6.20 The previous Inspector raised concerns with the amount of building and hard surfacing within the site and how this was out of character with its surroundings. The proposed development is considered, on balance, to have dealt with this concern. Whilst there is still a large level of hard surfacing and car parking, there is now an increased level of private amenity space. The dwellings on the frontage have private amenity space which was not the case for the previous appeal proposal. The two proposed dwellings in the centre of the site also benefit from private amenity space. These areas of green space through the site reduce the level of hard surfacing and built form. This proposed design is considered, on balance, to deal with the previous Inspectors concerns.
- 6.21 The building design, massing and scale are considered to be in keeping with other similar developments along Chapel Street – such as the Old Police Station – in terms of the overall character and design.
- 6.22 The appropriate materials and details of hard and soft landscaping of the proposed development can be secured by planning condition.
- 6.23 The proposed development is therefore considered, on balance, to be in accordance with Policies ADPP1, CS14 and CS19 in terms of its impact on the character of the area, its design and proposed layout.

### ***Neighbouring amenity***

- 6.24 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. According to Policy OVS.6, the Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. The NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Part 2 of the Quality Design SPD provides guidance on residential amenity, including on acceptable relationships between built form and habitable windows.
- 6.25 The retained dwellings to the south of the site are considered to not impact neighbouring amenity as they are staying relatively the same in terms of their relationship to neighbouring dwellings. There is sufficient window to window distance between the dwellings to the south and those to the centre of the site. This distance complies with the 21 meters as recommended in the Quality Design SPD.
- 6.26 The proposed dwellings to the centre of the site are adjacent to an existing structure within the care homes curtilage to the west. The proposed dwellings within the centre of the site will overshadow the roof of this structure rather than the adjacent seating area. This change to the design from the previous application results in the development moving away from the outdoor seating area and windows at the corner of the care home which were areas of concern for the previous Inspector. Whilst there may be some oblique views from first floor windows in these central dwellings it is considered there is no direct harmful overlooking. The relationship proposed is often found in urban areas such as Thatcham and therefore not an area officers are objecting to.
- 6.27 Moving to the dwellings to the north of the site, the proposed development has a very similar location, height, scale and bulk to that of the previous proposal considered at appeal. There is considered to be adequate separation distance between the central dwellings and the rear proposed dwellings on the site in terms of window to window



distances. The Council has previously raised concerns in regards to plots 3-11's location and relationship to dwellings to the north and others in the surrounding areas.

- 6.28 The rear building (Flats 3-11) would back onto houses at 18, 20 and 22 The Henrys. Part 2 (Residential Development) of the Quality Design SPD advises on a minimum back-to-back distance of 21 metres. This distance is exceeded in the proposed layout. The side elevations of plots 3-11 include only a few side windows. The western elevation includes ground floor windows, which will be obscured by boundary treatments and a proposed balcony area with a privacy screen. It is now considered that the relationships to the adjacent dwellings to the west are acceptable. There are two windows shown at first floor level on the eastern elevation. These can be recommended to be obscure glazed given they serve a bathroom and a secondary window for the kitchen lounge. Therefore the case officer does not raise concern in terms of overlooking from side elevations. The proposed balconies would have obscure privacy screens to the side of them and would still be outside of the 21 metres guidance for directly facing window to window distances. Whilst this does not strictly apply to elevated balconies it represents how the separation distance is considered acceptable.
- 6.29 The Council previously raised concern at the proximity of the rear building to the houses in The Henrys and its effect on outlook. The previous Inspector noted that whilst the proposal would be very visible from the neighbouring properties' rear elevations and gardens, they considered there would be enough separation to avoid an unacceptable sense of dominance being caused to the living conditions of their occupants. Furthermore the previous Inspector also did not consider that the overlooking of rear garden areas, including the play area at the rear of the church hall, to be so pronounced as to be harmful. The proposed development has a very similar layout as that previously found acceptable by the Inspector. It should be noted that the northern block of flats has been moved slightly into the site therefore creating a larger separation distance than that of the previous appeal scheme. Therefore officers consider the relationship and level of overlooking to be acceptable for this proposed development.
- 6.30 The proposed development is therefore considered to be in accordance with the aforementioned policies in regards of impact on neighbouring amenity.

### ***Future occupants' amenity***

- 6.31 Part 2 (Residential Development) of the Quality Design SPD considers that it is essential for the living conditions of future residents that suitable outdoor amenity space is provided in most new residential developments, and suggests that for 1 and 2 bedroom flats a minimum of 25sqm communal open space per unit is provided. It is also suggest that as a general guide the following garden sizes are suggested for houses:
- 1 and 2 bedroom houses and bungalows, from 70 sq.m;
  - 3 or more bedroom houses and bungalows from 100 sq.m
- 6.32 The retained dwellings to the south of the site are proposed to have formal garden space laid out which is an improvement on the informal layout currently on site. Whilst the level of amenity space does not meet the requirements of the SPD at around 15 square meters it is noted that amenity provision is made for these dwellings and it is relatively private.
- 6.33 The dwellings in the centre of site also have their own private amenity space, although these again all slightly below the thresholds recommended in the SPD with 56 and 47 square meters of amenity space each. Given the proximity to the town centre it is considered that some shortfall can be accepted to deliver high densities of development, and having regard to public open space nearby. The proposed provision is considered to be adequately private.

- 6.34 The dwellings to the north of the site benefit from their own balconies and an area of shared amenity space to the north. Each flat has their own private amenity space, although these again are below the thresholds recommended in the SPD ranging from 10 to 17 square metres. Future occupants could use these areas in addition to the shared amenity space. Given the proximity to the town centre this shortfall is considered to be acceptable, and the provision is considered to be sufficiently private.
- 6.35 It is considered that the each unit on site benefits from an acceptable amenity provision and this amenity provision, although smaller than recommended by the SPD, is of high quality and private.

### ***Sustainable construction and energy efficiency***

- 6.36 According to Policy CS15, major development shall achieve minimum reductions in total CO2 emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development (as long as a direct physical connection is used), unless it can be demonstrated that such provision is not technically or economically viable. From 2019 the expectation is zero carbon.
- 6.37 Policy CS15 notes that this provision should be demonstrated on site unless is not technically or economically viable. The applicants have argued that due to the lack of viability in regards to affordable housing the development is not economically able to deliver renewable energy. The economic position has been verified.

### ***Archaeology***

- 6.38 There are two heritage aspects Archaeology Officers commented on. This proposal would retain more of the terrace of three grey and red brick houses on the street frontage. Should this be considered acceptable Archaeology Officers feel that it would enormously improve the appearance of this probable 19th century façade on a key route through Thatcham if any alterations and rebuilding also included the windows. It appears that the south facing ground and first floor windows of 12-16 were unfortunately replaced with unsympathetic modern ones of different dimensions, when originally it's very likely they would have been sashed.
- 6.39 The other question relates to below ground archaeological potential in the plot behind: there is the possibility of heritage assets of archaeological interest in at least part of this land. Medieval and post-medieval deposits and finds in particular might be uncovered. This would require some assessment which can be secure by planning condition.

### ***Highway matters***

- 6.40 Policies CS13 of the Core Strategy and TRANS.1 of the Local Plan Saved relate to highway considerations, and Policy P1 of the Housing Site Allocations relates to parking provision for new residential development.
- 6.41 The site proposals include parking provision for 12 vehicles within the site. West Berkshire Council's parking standards are provided within Policy P1 of the Housing Site Allocations DPD (2006-2026) 2017. With reference to these standards, a minimum of 11 parking spaces are required. Therefore the proposal complies with the Council's car parking standards
- 6.42 A total of 13 spaces for cycle storage are being proposed. West Berkshire Council's cycle parking standards are provided within 'Cycling and Motorcycling Advice and

Standards for New Development 2014. With reference to these standards, a minimum of 13 spaces are required and are provided.

- 6.43 To calculate the expected traffic generation for the proposal, the Trip Rate Information Computer System (TRICS) database has been used. TRICS is an Ireland and UK wide database of traffic surveys of many uses including residential. From TRICS for the existing uses, it is projected that there will be one or two vehicle movements (1 in, 1 out) during the 08.00 to 09.00 and 17.00 to 18.00 peak travel periods and 12 vehicle movements overall per day (six in, six out). For the proposed uses, it is projected that there will be four vehicle movements during the 08.00 to 09.00 and 17.00 to 18.00 peak travel periods and 28 vehicle movements overall per day (14 in, 14 out). Therefore any traffic increase will be somewhat negligible on the A4 itself.
- 6.44 There is an existing access that serves existing houses. During the course of the application details were requested to be provided on the access width and the sight lines onto the A4. Previously with planning application 19/01855/FULEXT, to calculate the required visibility splays, speed surveys were undertaken during January 2019. Eastbound and westbound speeds were recorded as 41.2 kph (25.6 mph) and 40.2 kph (25.0mph) respectively. According to the Government's Manual for Streets (MfS), this requires visibility splays of 2.4 x 34.5 metres and 2.4 x 33.4 metres respectively. During the course of the application visibility splays were submitted to the satisfaction of the Highway Officer. They recommended subject to conditions that the application was acceptable from a Highways perspective.
- 6.45 The proposed development is considered to comply with the aforementioned policies.

### ***Flooding and drainage***

- 6.46 The Design and Access Statement notes that surface water runoff is to be retained onsite and discharge via soakaways, provided ground conditions are suitable. The site is located in an area where groundwater levels are very near to the ground surface and as such, the applicant would need to provide a drainage strategy, informed by the results of infiltration testing and groundwater monitoring. If groundwater is found to be high and/or infiltration is not feasible, the applicant may have to discharge flows offsite.
- 6.47 The Environment Agency flood maps show that the site is located within an overland flow path at 'low' risk of flooding. The applicant should provide a Flood Risk Assessment in proportion to the level of risk to demonstrate that the new dwellings would be safe, and flood risk would not be increased as a result of the proposed development.
- 6.48 A flood risk assessment was submitted with the previous appeal which concluded that surface water flood risk is low, with a surface water flow path likely to be of less than 300mm were there to be a flood event. As a consequence, that assessment recommended finished floor levels should be raised 300mm above ground level. This could be secured by condition. The Lead Local Flood Authority is therefore content with the development subject to a condition.
- 6.49 It is therefore considered subject to conditions securing updated drainage information and a finished floor level condition the site would not have an unacceptable risk of flooding, nor would it be likely to cause surface water flooding to neighbouring land, subject to agreement on further details which could be secured by condition. Consequently, the development would not conflict with Policy CS16 of the West Berkshire Core Strategy 2006-2026, which seeks to reduce the risk of flooding to new development and not increase flood risk elsewhere.

## ***Trees and ecology***

- 6.50 This application follows on from a recent larger one refused at appeal. As a consequence of the previous application a TPO was served on an Apple and Plum tree. This was objected to and not confirmed. It is noted that both trees will be removed by this latest application, however in contrast to the earlier scheme, more amenity space is available for residents and there seems to be slightly more room for a successful landscaping scheme to be established. Tree Officers believe that the east and west hedges are relatively historic.
- 6.51 Although the Design & Access Statement mentions a landscaping plan, Tree Officers have been unable to locate anything beyond the indicative site plan. As such it is recommended that conditions are applied to require a full and detailed landscaping scheme is submitted and tree protection methods during construction are submitted to protect existing hedges.
- 6.52 Due to the nature of the site within the existing settlement boundary of Thatcham and relatively open it is not considered to be of high ecological value.

## **7. Planning Balance and Conclusion**

- 7.1 The proposed application delivers new residential units in a sustainable location near to Thatcham town centre. The design of the proposed development is considered, on balance, acceptable and is not considered to impact any heritage assets. The development is considered to have an acceptable relationship to neighbouring dwellings, provide sufficient parking and a safe access. The proposed development would not be able to provide affordable dwellings or renewable energy on site due to demonstrated viability grounds. The development can be adequately controlled through conditions in regards to landscaping and surface water drainage.
- 7.2 The proposed development is therefore, on balance, recommended for approval subject to conditions.

## **8. Full Recommendation**

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### ***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**

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

Location Plan & Site Plan- Roof Layout. Drawing number 13.377.P2.001E.  
Proposed Plans & Elevations 12&14 CS. Drawing number 13.377.P2.012B.

Proposed Plot 1 & 2 Plans and Elevations. Drawing number 13.377.P2.100F.  
Highways Visibility Splays. Drawing number 13.377.P2.003.  
Street Scenes & Site Sections. Drawing number 13.377.P2.005A.  
Proposed Plots 3-11 Elevations. Drawing number 13.377.P2.220C.  
Proposed Plans 3-11 Floor Plans. Drawing number 13.377.P2.120F.  
Proposed Plans 3-11 Second Floor Plan. Drawing number 13.377.P2.121A.

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

3. **Materials**

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is necessary because insufficient detailed information accompanies the application and measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

4. **Electric vehicle charging points**

No development shall take place until a strategy for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until electric vehicle charging points have been provided for the dwellings in accordance with the approved drawings. The charging points shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application and measures may be required to be planned and undertaken throughout the construction phase such as laying the correct cabling and so it is necessary to approve these details before any development takes place.

5. **Construction method statement**

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

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development

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

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

## 6. **Parking**

No development shall take place until details of vehicle parking and turning spaces have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until vehicle parking and turning spaces for that dwelling have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring 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, and Policy P1 of the Housing Site Allocations DPD 2006-2026. 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.

## 7. **Cycle parking/storage**

The dwellings hereby permitted shall not be first occupied until details of cycle parking/storage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with the approved details. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014). A pre-commencement condition is necessary because the cycle parking/storage arrangement will need to be determined before any construction to ensure it can be accommodated within the space available.

## 8. **Hard landscaping**

The dwellings hereby permitted shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the dwellings are occupied because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. 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 Quality Design SPD.

#### 9. **Soft landscaping**

The dwelling hereby permitted shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of any new dwelling (whichever occurs first). 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: A comprehensive soft landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.

#### 10. **Tree protection scheme**

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

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the

objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**11. Obscure glazing of windows**

The windows at first floor level in the east and west elevations of flat block 3 to 11 shall be fitted with obscure glass before the flats hereby permitted are occupied. The obscure glazing shall be permanently retained in that condition thereafter.

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

**12. Drainage**

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. Any soakage testing should be undertaken in accordance with BRE365 methodology;
- c) Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- d) Include a drainage strategy for surface water run-off from the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) 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;
- g) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- j) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- k) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;
- l) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;



- m) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

Thereafter the development shall be carried out in accordance with the approved details, and no dwelling shall be first occupied until the drainage measures have been completed.

Reason: To ensure that surface water will be managed in a sustainable manner and to prevent the increased risk of flooding. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Sustainable Drainage Systems SPD (2018). A pre-commencement condition is necessary because insufficient detailed information accompanies the application and measures may be required to be planned and undertaken throughout the construction phase such as laying the correct infrastructure and so it is necessary to approve these details before any development takes place.

**13. Ground levels and finished floor levels**

No development shall take place until details of existing and proposed ground levels, and finished floor levels of the buildings, 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 details.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006). A pre-commencement condition is necessary because insufficient detailed information accompanies the application and measures may be required to be planned and undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**14. Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

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

**15. Dust mitigation scheme**

No development shall take place until a dust mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include

a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development on neighbouring land uses. Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To prevent nuisances to neighbouring land uses from dust generated by the development. This condition is applied in accordance with the National Planning Policy Framework, Planning Practice Guidance, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the dust mitigation scheme must be adhered to during all demolition and construction operations.

**16. Noise mitigation scheme**

The dwelling hereby permitted shall not be first occupied until a scheme of works for protecting the occupiers of the development from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. All works forming part of the approved scheme shall be completed before any dwelling is first occupied.

Reason: To protect future occupants from the adverse effects of excessive noise levels that may be generated by the adjacent highways. In order to protect the amenities of proposed residents/ occupiers of the development in accordance with the NPPF, CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**17. Permitted development restriction (windows/dormers)**

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

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

**18. Permitted development restriction (extensions/outbuildings)**

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14

and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006).

19. **Balcony screening**

No dwelling shall be occupied until balcony screens have been fully installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority of their materials including noise insulating properties.

Reason: To ensure privacy, in accordance with the National Planning Policy Framework, policy CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, and Supplementary Planning Document Quality Design 2006.

20. **Refuse storage**

The dwelling hereby permitted shall not be first occupied until details of the provision for the storage of refuse and recycling materials for the dwellings have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall be retained for this purpose thereafter.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

### **Informatives**

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)
3. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning->

[your-development/Working-near-or-diverting-our-pipes](#). Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

4. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
5. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.
6. 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.
7. 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.
8. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
9. In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority. Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or [highwaysmaintenance@westberks.gov.uk](mailto:highwaysmaintenance@westberks.gov.uk)
10. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.
11. Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

**Previous application and appeal plans related to  
application 19/01855/FULEXT appeal reference  
APP/W0340/W/20/3251653**

**FOR INFORMATION ONLY**



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## Appeal Decision

Site visit made on 12 January 2021

**by Guy Davies BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 February 2021**

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**Appeal Ref: APP/W0340/W/20/3251653**  
**12-16 Chapel Street, Thatcham RG18 4QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Young of Young Estates and Land Ltd against the decision of West Berkshire Council.
  - The application 19/01855/FULEXT, dated 10 July 2019, was refused by notice dated 31 October 2019.
  - The development proposed is demolition of existing dwellings (3no.) and construction of 17 no. one and two bedroom apartments, including parking and stores.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has submitted amended plans as part of the appeal. These include the addition of a projecting window to bedroom 2 on Flat 11, and relocation of windows from the rear to the side elevations on first floor bedrooms to the rear building (Flats 15-16).
3. The procedural guide to planning appeals<sup>1</sup> advises that the appeal process should not be used to evolve a scheme and that it is important that what is considered at appeal is essentially what was considered by the local planning authority, and on which interested people's views were sought. If the appellant thinks that amending the application will overcome the reasons for refusal, they should normally make a fresh planning application.
4. Mindful of the principles contained within the Wheatcroft judgement<sup>2</sup>, I consider that the development would be so changed by the suggested amendments that it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. As that would not accord with the Wheatcroft principles, I have considered the appeal on the basis of the plans submitted to and determined by the Council.
5. Paragraph 7.5 of the Council's statement of case criticises the submission of additional plans and information by the appellant as unreasonable behaviour which has resulted in unnecessary expense. However, the Council has not made a formal application for costs, nor explained in any detail why the appellant's behaviour is unreasonable or what additional costs have been

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<sup>1</sup> Procedural Guide: Planning appeals – England, November 2020

<sup>2</sup> Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

incurred. I have therefore not taken this criticism as a claim for costs under the Town and Country Planning Act 1990.

## **Main Issues**

6. The main issues are:

- The effect on the character and appearance of the area, including landscaping on the site
- Whether the development should provide affordable housing
- The effect on the living conditions of neighbouring occupants of the adjacent nursing home, and at 18, 20 and 22 The Henrys, with regard to dominance, outlook and light.
- The effect on the living conditions of future occupants, with regard to outlook, light, outdoor space, and safety and security
- The effect on highway safety, with regard to access and parking provision
- Whether the development would be at risk from flooding.

## **Reasons**

### *Character and appearance*

7. The character of the area is one of a traditional street frontage with buildings of generally two storeys with hipped or pitched roofs positioned with their front elevations against the back edge of the pavement. Occasional breaks in the building frontage, such as the forecourt to the public house opposite or the Methodist Church garden to the east, provide variety in the street scene. There has been some modern redevelopment in recent years, including a three storey building on the corner with The Broadway and a residential care home that bounds the site towards the rear along one side. On the other side the site is bounded by a church and church hall, and at the rear by houses fronting The Henrys.
8. The proposed development would replace the terrace of houses at the front with a taller building spanning the width of the site and including an enclosed carriage entrance. The site would be developed in depth with buildings in the centre and at the rear. Parking and turning areas would take up much of the remaining space.
9. The Council considers the terrace of houses to be non-designated heritage assets because of their historic interest and positive contribution to the street scene. While they are vernacular in appearance and do contribute to the traditional character of the street, they do not fall within a conservation area, nor are they included on any local list of heritage assets, nor have I been provided with any evidence to demonstrate particular local historic importance. They have also had some unsympathetic alterations, including replacement of front windows and doors, which reduces their visual quality. Taking these factors into account, I consider that so long as any replacement development achieved a similar or better contribution to the street scene, there would be insufficient reason to resist their removal.

10. I consider the proposed replacement building would not achieve such a positive contribution to the street scene as the existing terrace of housing, nor would its design complement the character and appearance of the area. There would be large roof lights in the front roof plane and a box dormer and further roof lights at the rear. I am also concerned that the crown roof design of the building with a large area of flat roof would be apparent, particularly in oblique views from the sides and rear. The design of the roof of the building in this manner would appear bulky and at odds with the traditional pitched roof forms in the vicinity. The inclusion of rooflights in the roof planes would appear discordant where roofs are generally uninterrupted by such openings, particularly in the buildings fronting Chapel Road.
11. I am also concerned that the amount of building and hard surfacing within the site would make it appear overdeveloped and out of character with its surroundings. Most buildings in the vicinity front onto roads, with gardens behind. Where there is development in depth, it is either subservient in height, such as the church hall, or retains a degree of garden setting around it, such as the residential care home. In contrast, the proposed development would have very little soft landscaping, either retained or new. Where planting is shown to be included, it would be as narrow strips of land left over from the parking and turning areas rather than a setting that has been designed to complement and enhance the development. This would result in hard, building dominated space that would fail to respect the character or appearance of the area.
12. The appellant has referenced several mews style developments in support of the scheme. While a mews style design can in principle provide a good quality environment, the examples shown are mostly typical of larger urban or city settings. In the case of the appeal site, the character of the area is more domestic in scale with a greater degree of greenery, particularly in rear garden areas. I acknowledge that the site is sustainably located, and that national and local planning policies encourage the efficient use of land. However, it is also the case that the National Planning Policy Framework puts considerable emphasis on good design, such that 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<sup>3</sup>. The appeal scheme fails to achieve this latter aim for the reasons I have set out above.
13. In my view the amount of building proposed in the appeal scheme together with the overly dominant amount of parking and manoeuvring space would not achieve a development that reflected or complemented the surrounding area. As a result, it would significantly harm the character and appearance of the area, contrary to Policies ADPP1, ADPP3, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, which require that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of an area, and is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

#### *Affordable housing*

14. Policy CS6 of the West Berkshire Core Strategy 2006-2026 requires residential development to provide a proportion of units as affordable housing. On

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<sup>3</sup> National Planning Policy Framework, Section 12: achieving well-designed places.



previously developed land, sites of 15 or more dwellings are expected to provide 30% of units as affordable, subject to the economics of provision. The policy pre-dates the current version of the Framework, but in so far as it relates to major development is consistent with paragraph 63 of the Framework and I therefore give it weight.

15. The appellant considers that the scheme is unable to provide any element of affordable housing contribution on viability grounds. Viability appraisals carried out on behalf of the appellant<sup>4</sup> and Council<sup>5</sup> agree that viability is a limiting factor but disagree on the degree to which it would prevent any element of affordable housing being provided.
16. The viability consultants make different assumptions as regards a range of factors, as set out in their respective appraisals. In general, the appellant's consultant tends to use assumptions based towards the top end of what may be considered reasonable ranges, while the Council's consultant tends to use assumptions around the median or lower.
17. So far as the existing use value of the site is concerned, I note that it was sold in 2017. On the appellant's agent's own evidence land values have not changed much over the intervening period, and I am therefore persuaded that the Council's consultant's benchmark land value is more realistic. Other aspects affecting the gross development value, such as comparative sales values at Thatcham Court (a nearby development of flats), discounting ground rent, adjusting for abnormal development costs, and setting a higher developer's profit I consider the appellant's consultants to have a more reasonable argument.
18. In the most recent letter from the Council's consultant these and other factors are taken into account to form a more balanced viability appraisal. Based on that appraisal, to which I give weight, there is a small, positive viability surplus. Although only small, given the need for affordable housing in the area I consider that the development could and should make a contribution to the provision of affordable housing. As the development does not enable the provision of any element of affordable housing, I conclude that it would conflict with Policy CS6.

#### *Living conditions of neighbouring occupants*

19. The central building (Flats 7-12) would consist of 3, 3 storey elements linked at ground floor level positioned against the western boundary with the residential care home. The northern wing of the building would be positioned close to the flank elevation of the care home, while the central element would be opposite an outdoor seating area.
20. I consider that due to its proximity and height the northern element would have a significant and adverse impact on outlook and light to windows opposite it in the care home. I note that the rooms lit by these windows may be dual aspect, but the windows in question are still important sources of light and outlook for the occupants of these rooms, and the proposed building would appear dominant and harmful to the living conditions of their occupants. The

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<sup>4</sup> Kempton Carr Croft Property Consultants, viability appraisal and report, 21 February 2019 and letter 25 October 2019

<sup>5</sup> Bruton Knowles Chartered Surveyors, viability report 24 October 2019 and letter 29 November 2020

building would have considerably more impact than the tree and hedging currently along the boundary.

21. The central element of the building would also overshadow and appear dominant to occupants using the outdoor seating area<sup>6</sup>. The building has been designed with gaps between the three elements which would allow for sunlight to continue to reach this area but nevertheless it would be overshadowed for parts of each morning and would appear overbearing because of the height and proximity of the central element.
22. The rear building (Flats 13-17) would back onto houses at 18, 20 and 22 The Henrys. The West Berkshire Supplementary Planning Document Part 2: Residential Development advises on a minimum back-to-back distance of 21m, although this is primarily directed at ensuring adequate privacy. While the rear block is closer to the houses in The Henrys at some 19m than the guidance suggests, the rear facing windows in the rear block at first floor level are shown to be obscured glazed and fixed shut below 1700mm above finished floor level so avoiding direct overlooking or the perception of overlooking. However, that approach does give rise to concerns regarding outlook and light to the rooms which I address under the living conditions of future occupants below.
23. The side facing rooflight windows in the second floor, however, appear to be at eye level and would cause a loss of privacy to the side facing windows in the care home through direct window-to-window overlooking. Alternatively, if the sills of rooflight windows were higher so that they were above eye level it would leave at least one of the bedrooms on the second floor without any outside view. Either way, the design of this part of the building would be poor giving rise either to overlooking of neighbouring occupants or poor living conditions for occupants of the second floor flat.
24. The Council has raised concern at the proximity of the rear building to the houses in The Henrys and its effect on outlook. While it would be very visible from the neighbouring properties' rear elevations and gardens, I consider there would be enough separation to avoid an unacceptable sense of dominance being caused to the living conditions of their occupants. I also do not consider that overlooking of rear garden areas, including the play area at the rear of the church hall, to be so pronounced as to be harmful. The references by the Council to 45 and 60 degree guidelines refers to immediately adjoining development such as house extensions, but I do not find them to be of particular help in assessing the appeal scheme where it is the distance between facing elevations that is of most relevance.
25. I conclude that as a result of the proximity and height of the central building, and the position of windows in the rear building, the development would harm the living conditions of occupants of the care home by reason of appearing overbearing, and causing a loss of outlook and privacy. Consequently, it would conflict with Policy CS14 of the West Berkshire Core Strategy 2006-2026, which requires new development to make a positive contribution to the quality of life in West Berkshire.

#### *Living conditions of future occupants*

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<sup>6</sup> RMV Architecture, shadow/sunlight diagrams

26. The ground floor flats in the central building (Flats 7-9) would have their living/kitchen areas orientated internally such that their primary means of light would be via internal courtyards. These courtyards would be enclosed by the surrounding three storey building, walls separating them from the parking spaces, and first floor terraces above the parking spaces. In my view, this inward looking, enclosed means of lighting the primary living space in each ground floor flat would result in an oppressive outlook to these living spaces and substantially reduced daylight and sunlight to the flats. This would result in poor living conditions for their occupants.
27. Ground and first floor bedrooms in the central building (Flats 7-12) would be lit by projecting windows with an obscured glazed main panel, and in the rear building some of the first floor bedrooms would be lit by windows that would be obscured glazed and fixed shut below 1700mm above finished floor level (Flats 15-16). In the case of the central building there would be some secondary light via smaller windows, but in both cases the main source of light and outlook to bedrooms would be severely curtailed such as to impair the living conditions of the occupants of those flats.
28. The West Berkshire Supplementary Planning Document Part 2: Residential Development considers that it is essential for the living conditions of future residents that suitable outdoor amenity space is provided in most new residential developments, and suggests that for 1 and 2 bedroom flats a minimum of 25sqm communal open space per unit is provided.
29. The appeal scheme fails to achieve the suggested outdoor amenity space requirement. The flats in the front building (Flats 1-6) would have no outdoor garden space, other than two small strips immediately to the rear, which are shown to be planted with shrubs and therefore not useable in practice for domestic recreational purposes. The flats in the central building (Flats 7-12) would have courtyards and terraces, although these would not be a minimum of 25sqm as suggested by the supplementary planning guidance. The flats in the rear building (Flats 13-17) would have an area of communal open space around the building of an adequate size to meet the guidance, but its useability would be compromised as the design of the scheme fails to make a distinction between private and communal space.
30. For these reasons I consider the outdoor amenity space provided in the appeal scheme to be inadequate. While accepting that the suggested outdoor space standard is for guidance rather than a policy requirement, and noting that other schemes permitted by the Council and in other appeals<sup>7</sup> may have little outdoor space, I consider that in a scheme of this nature it is important that all flats have access to at least some outdoor space which their occupants can use for incidental domestic purposes. The scheme would not achieve that aim and as a result it would harm the living conditions of future occupants.
31. Thames Valley Police has also raised concerns about the lack of natural surveillance within the scheme. There is some justification for that view given the lack of outlook from windows of flats in the central building. However, other windows within the scheme to the front building (Flats 1-6) and the rear building (Flats 13-17) would look out onto all the internal parking and turning space, as well as onto Chapel Street. I do not therefore consider the lack of

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<sup>7</sup> APP/W0340/W/14/3000864

surveillance from the central building to materially compromise the level of security in the scheme.

32. While the safety and security of future occupants would be acceptable, I conclude that as a result of poor outlook and light to some of the flats, and the lack of outdoor amenity space, the development would harm the living conditions of future occupants. It would therefore conflict with Policy CS14 of the West Berkshire Core Strategy 2006-2026, which requires new development to make a positive contribution to the quality of life in West Berkshire.

#### *Highway safety*

33. The access to Chapel Street has been designed as a single width carriageway. This would prevent the simultaneous entry and exit of vehicles to the site. Chapel Street is an A class road and as part of the primary road network in the area carries a high volume of traffic. The lack of width to the access could lead to vehicles entering the site having to wait, or stop suddenly, to allow other vehicles to exit the site. This would be hazardous to the free flow of traffic on a busy main road, to the detriment of highway safety.
34. The passage of vehicles into and out of the site could also be disrupted by the location of the communal bin stores under the carriage entrance. Notwithstanding the ability to have roller shutter rather than outward opening doors as suggested by the appellant, the use of these bin stores would further obstruct vehicle movements into and out of the site.
35. The site is currently accessed by a single width drive with limited visibility. The increase in the number of units on the site from 3 houses to 17 flats would significantly increase the number of vehicle movements per day. Such an increase in traffic movements would in my view materially worsen highway safety when compared to the current situation. I reach that view notwithstanding the transport assessment submitted with the application<sup>8</sup>.
36. The front elevation of the front building (Flats 1-6) has been slanted to provide adequate vehicle and pedestrian visibility splays. This would avoid highway safety conflict between vehicles exiting the site and pedestrians using the pavement along Chapel Street, but it does not overcome the highway safety problem associated with the lack of width to the access.
37. The appellant has flagged as a precedent the access arrangements at 63 Bath Road<sup>9</sup>, although having regard to the comments made by the Highway Authority I consider this is not equivalent to the appeal scheme access. Irrespective of this example, or the presence of other single width accesses on to Chapel Street, I have judged the scheme on its own merits against current highway standards.
38. The Council raised concerns about the amount of car parking proposed for the site. However, it has now been agreed by both main parties that the site lies within Parking Zone 1 as defined on the Residential Parking Zones Map 2017, and the provision of 22 spaces would meet the required parking standard. There is, therefore, no objection to the scheme on the grounds of parking provision.

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<sup>8</sup> RGP – Transport Planning and Infrastructure Design Consultants, January 2019

<sup>9</sup> 11/00146/OUTD

39. While the scheme would provide adequate parking, I conclude that due to the inadequate width of the proposed access the development would have an adverse effect on highway safety and as a consequence would conflict with Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 and Policy P1 of the Housing Site Allocations Development Plan Document 2006-2026 which require that development improves and promotes opportunities for healthy and safe travel.

### *Flooding*

40. The Lead Local Flood Authority has raised concern at the lack of information to demonstrate that surface water flooding would not be a problem and that surface water drainage could be adequately achieved on the site, given the increase in building and hard surface coverage.
41. A flood risk assessment<sup>10</sup> submitted with the appeal concludes that surface water flood risk is low, with a surface water flowpath likely to be of less than 300mm were there to be a flood event. As a consequence, the assessment recommends finished floor levels should be raised 300mm above ground level. This could be secured by condition.
42. The assessment also notes that the site is on superficial gravels where infiltration is likely to be feasible but if not then attenuation could be provided to provide temporary storage capacity during heavy rain, with a restricted outfall to the surface water sewer.
43. The Lead Local Flood Authority has maintained its concerns about the lack of information, particularly about how a sustainable drainage system might work on the site. However, I am satisfied that the assessment that has been carried out provides sufficient evidence to demonstrate that there would not be an unacceptable surface water flood risk, and that there are solutions to avoiding unacceptable additional runoff from the site causing surface water flooding to neighbouring land or overloading the surface water drainage system. The details of which solution may be most appropriate is a matter that could be addressed through a condition.
44. I conclude that the development would not be at an unacceptable risk of flooding, nor would it be likely to cause surface water flooding to neighbouring land, subject to agreement on further details which could be secured by condition. Consequently, the development would not conflict with Policy CS16 of the West Berkshire Core Strategy 2006-2026, which seeks to reduce the risk of flooding to new development and not increase flood risk elsewhere.

### **Conclusion**

45. I have found that the site would not be at risk of flooding, that surface water disposal could be subject of a condition, and that sufficient parking space would be provided. These are neutral matters in the appeal in so far as they do not result in harm.
46. The development would make a more efficient use of the site resulting in a net increase in residential units, which would help meet housing demand in the area. The site is also located in a sustainable location close to local services and public transport. I attach limited favourable weight to these benefits.

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<sup>10</sup> Bob Sargent Consulting Hydrologist, Flood Risk Assessment, April 2020

47. However, I have found that the development would cause significant harm to the character and appearance of the area, the living conditions of neighbouring and future occupants, would adversely affect highway safety, and would fail to contribute towards the provision of affordable housing.
48. Having regard to these factors, I conclude that the proposal would conflict with the development plan when taken as a whole and the benefits of the scheme, which include the provision of additional housing, would not outweigh the harm so caused.
49. I conclude that the appeal should be dismissed.

*Guy Davies*

INSPECTOR

Eight Dovecote  
 Sean Kelly  
 Basingstoke  
 RG24 8HU

**Applicant:**  
 Young Estates and Land Ltd

### **PART I - DETAILS OF APPLICATION**

**Date of Application**

15th July 2019

**Application No.**

**19/01855/FULEXT**

### **THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:**

Demolition of existing dwellings (3No.) and construction of 17No. one and two bedroom apartments, including parking and stores

12 - 16 Chapel Street, Thatcham, Berkshire, RG18 4QL

### **PART II - DECISION**

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

1. According to Policy ADPP1, the scale and density of development to be well related to the site's character and surroundings. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place. Design is required to make a positive contribution to the quality of life in West Berkshire. Development is expected to create safe environments, addressing crime prevention and community safety whilst ensuring accessibility for many users. Policy CS 19 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.

The existing buildings on the frontage are considered to be non-designated heritage assets, given their historic interest, and they make a positive contribution to the street scene. Their loss is an adverse effect of the proposal. Plots 1-6 have an adverse impact on the character of the area and street scene, due to the proposed building line and appearance. Plots 1-6 and 7-12 fail to create a safe, inclusive, and actively overlooked public realm, failing to create a high quality of design for all. Although some private amenity space is provided for flats 7-12, most is not high quality, and plots 1-6 and 13-17

fail to provide private amenity space in line with guidance. Plots 13-17 fail to provide sufficient definition between public and private realms. Finally the site as a whole fails to deliver a standard of design that is acceptable and reflective of the design and character of the area through a culmination of poorly thought out designs. The design appears to be internally led to provide a sufficient number of flats rather than reacting to the site in an effective manner of urban design.

The application is therefore contrary to the National Planning Policy Framework, Policies ADPP1, ADPP3, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Quality Design SPD.

2. In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. The policy requires on sites of 15 dwellings or more a provision of 30% on previously developed and 40% on greenfield land. The proposed development proposes no affordable units on site. It is submitted that the development is unviable without providing affordable housing, and that any provision of affordable housing would make the development further more unviable. Policy CS6 sets out that proposed provision below the levels set out above should be fully justified by the applicant through clear evidence set out in a viability assessment (using an agreed toolkit) which will be used to help inform the negotiated process.

An independent analysis of the submitted viability report has been undertaken and has drawn the conclusion that the development could be found viable. Based on the information submitted in support of the application, it has not been demonstrated that the economics of development justify a departure from the policy expectations for affordable housing.

The application is contrary to the National Planning Policy Framework, Policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Planning Obligations SPD.

3. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design provides policies on light and private garden space. Policy OVS.5 of the Local Plan relates to environmental pollution and OVS.6 to noise.

The proposed development would have a harmful impact on the neighbouring care home and its amenity. In terms of plots 7-12, the central block of flats would sit directly on the boundary to a garden space for the care home. The building would cause significant impacts on the sunlight the care home garden would receive in the morning.

The most northern block of flats 7-12 is considered to reduce the sunlight that living rooms on the ground and 1st floor of the care home receive and given its close proximity will oppress the outlook of these habitable rooms. Although it is accepted that these living rooms benefit from another window to the south of the buildings these rooms are heavily relied upon to provide a social space to those living in the care home. Flats 7-12 are likely to break 60 degree and 45 degree lines drawn from some habitable windows on the east side of the care home having an adverse impact on internal amenity. Additionally rooms in the east side of care home are likely to be compromised by plots 13-17 which also break the 45 and 60 degree line from some windows.

Flats 13-17 are also likely to break the 45 and 60 degree lines drawn from the rear windows of 18, 20 and 22 The Henrys to which the block of flats 13-17 would likely



overshadow and overbearing on the garden space and internal amenity to the rear of these north dwellings. The windows of flats 13-17 facing north, east and west are likely to give rise to overlooking and perception of overlooking to neighbouring amenity. Although the windows to the north elevation are proposed to be top hung and obscure glazed they would still present a harmful level of impact due to perceived overlooking of rear gardens and dwelling windows.

The development therefore fails to achieve a satisfactory level of design that results in the development not making a positive contribution to the quality of life in West Berkshire. The proposed development would have an adverse impact on neighbouring amenity in particular the on the garden spaces on neighbouring dwellings and care home. The development therefore fails to comply with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted House Extensions SPG and Quality Design SPD.

4. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Supplementary Planning Document Quality Design discusses light and private garden space. Policy OVS.5 of the Local Plan relates to environmental pollution and OVS.6 to noise.

The development would give rise to concern in regards to the internal amenity of the site. Bedrooms on the first floor in the middle of block of flats would receive very little, if any, natural sunlight and would have a very poor outlook onto the brick elevation of the next flat. Additionally the living and kitchen rooms of the ground floor flats would receive very little natural light throughout the day. Both of these rooms would outlook would have the 15 degree rule broken by the adjacent building form. Additionally the kitchen would be directly opposite a car parking spot to which bi fold doors would allow noise and car exhausts to enter directly. These are all considered to exacerbate an already poorly design flat. The future amenity of occupants of the ground floor flats of plots 7-12 are likely to be very poor.

The council was concerned with the windows to the northern elevation of flats 13-17 overlooking the dwellings and the gardens of dwellings to the north of the site. The agent has proposed that these bedroom windows are obscure glazed and fixed shut below 1700mm to avoid overlooking. This solution is unacceptable in terms of the internal amenity of the bedrooms the windows serve. The council does not accept obscure glazing of habitable room windows as the internal amenity and outlook of those bedrooms would be very poor. Additionally these are the only windows serving bedrooms 2 of the first floor flats.

The development therefore fails to achieve a satisfactory level of design that results in the development not making a positive contribution to the quality of life in West Berkshire. The development fails to provide sufficient internal amenity to many of the bedrooms of the flats promoting a poor level of quality of life for future occupiers. The development therefore fails to comply with the National Planning Policy Framework, the National Design Guide, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Quality Design SPD.

5. A 3.7 metre wide access is now proposed within the centre of the site. This is considered to not be wide enough for an access onto the A4, as it does not allow two vehicles to pass including a vehicle being able to drive from the A4 while a vehicle is waiting to leave the site. Thames Valley Police have commented that given the width of the of the site access, vehicles and pedestrian would not be able to travel in in opposing directions,

consideration should be given to those using buggies or mobility aids). It appears that vehicles egressing the site will have restricted site lines over vehicles and pedestrian accessing the site creating internal obstruction and conflict. The potential for conflict could easily be exaggerated as residents using the bins store doors may well leave the large door open for a period of time. Again this is likely to create some conflict of movement and between residents. Careful consideration has not been given to how the mixed activity of access, egress and bin store area will effectively function.

As detailed within the Transport Statement, to calculate the expected traffic generation for the proposal, the Trip Rate Information Computer System (TRICS) database has been used. TRICS is a British Isles wide database of traffic surveys of many uses including residential. This data has shown the proposed development would have an increase in traffic generation. There is therefore an increase in vehicles using what is and what will be a substandard access onto the A4.

Policy CS13 of the Core Strategy requires development to improve and promote opportunities for healthy and safe travel and the development must mitigate the impact on the local transport network and the strategic road network. Given that the proposal has been assessed as having an inadequate access for the increase number of users and occurrences of the use of the inadequate access therefore fail to accord with CS13 in regards to the proposed access. The proposed access is unsuitable, due to its sub-standard width, to accommodate the traffic which would be generated by the proposed development. This is contrary to Policy CS13.

For the above reasons, the application is contrary to the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Policy P1 of the Housing Site Allocations DPD 2006-2026.

6. The site proposals include parking provision for 22 vehicles within the site. West Berkshire Council's parking standards are provided within Policy P1 of the Housing Site Allocations DPD (2006-2026) 2017. With reference to these standards, a minimum of 26 parking spaces are required. Therefore there is a shortfall in car parking for the proposal. The Transport Assessment refers to 2011 census data to argue for a lesser provision. However census data and the accessibility to other modes of transport and services were taken already into consideration when producing the car parking standards. Therefore there is in the LPA's view, no justification for not complying with the adopted residential parking standards. The layout does not comply with the Local Planning Authority's standards in respect of motor vehicle parking and this could result in on street parking on the public highway in the vicinity, adversely affecting road safety and the flow of traffic. The application is contrary to the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD 2017.
7. The site is located within an area of surface water flood risk and a 'low' risk flow path. As such a Flood Risk Assessment (FRA) is required to be provided to support the application. An FRA needs to demonstrate how the flood risk will be managed on the site and how residents will be kept safe during a flood event. This request was made in accordance with Policy CS16 which requires a Flood Risk Assessment in areas that have history of groundwater and/or surface water flooding, and for major developments. Furthermore it was noted that sleeping accommodation is proposed on the ground floor of the proposed development plots. It is expected that sleeping accommodation be placed at

a minimum of 300mm above the design flood level (1 in 100yr event). In the absence of an FRA, the application is contrary to the National Planning Policy Framework, and Policy CS16 of the West Berkshire Core Strategy 2006-2026.

8. In accordance with Policy CS17, biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Policy CS18 notes that the district's green infrastructure will be protected and enhanced going on to state that new developments will make provision for high quality and multifunctional open spaces of an appropriate size. Policy CS19 seeks to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

The site is mostly laid to grass, with a few small/medium trees including fruit trees. The western boundary is tall and composed of a mix of hawthorn and fruit trees whilst the eastern boundary is mainly made up of privet. These provide valuable screening, particularly for the nursing home.

The proposal shows a high density of buildings within the plot and this is to the detriment of the available amenity areas and garden space. The internal estate road dominates the site and constrains usable garden space and amenity areas. The proposed landscaping is inadequate to offset or even soften the urbanisation of the site. It is off the eastern side and looks like an afterthought squeezed into the design.

The proximity of the proposed block within the middle of the site is prejudicial to the sustainable retention of part of the western hedge trees, so there would be a loss of screening to the nursing home. Similarly the proposed buildings and internal parking areas would require the removal of all of the established site trees. This would seem an unnecessary step given the design could be altered to accommodate them and benefit from the immediate softening effect they could provide (this is especially the case with the medium sized apple on the western side of the garden).

The loss of trees and the lack of amenity area available for landscaping would create a scheme that could not be landscaped to an acceptable level. A condition is therefore not considered appropriate or reasonable. The development fails to protect and enhance the green infrastructure of the site failing to create high quality open space surrounding the proposed development. The development therefore fails to comply with the National Planning Policy Framework, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy, and the Council's adopted Quality Design SPD.

**If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.**

#### **INFORMATIVE:**

1. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has attempted to work proactively with the applicant to find a solution to the problems with the development, however; an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.

Decision Date :- 31st October 2019

A handwritten signature in black ink, appearing to read 'Gary Lugg', written in a cursive style.

**Gary Lugg**  
**Head of Development and Planning**

## **TOWN AND COUNTRY PLANNING ACT 1990**

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

#### **Appeals to the Secretary of State**

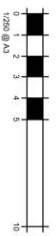
- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the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

#### **Purchase Notices**

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

12 - 16 CHAPEL STREET, THATCHAM

PLANNING



Existing 2.4m High hedge retained and cut back

Existing 2.4m High hedge retained and cut back

**Key**

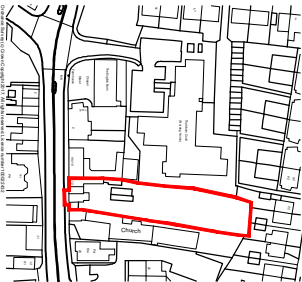
- Existing retained planting
- Proposed Tree Planting
- Proposed Hedge/Planting

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Project	Residential Redevelopment of
Client	Young Estates & Land Ltd
Drawing	Site Plan - Roof Layout
Scale	1:250 @ A3
Date	Sep 18
Drawn By	13.377.P.002A

**mmu architecture**  
 94 Viridian | 75 Battersea Park Road | London SW8 4DA  
 T: 01992 676 113 | M: 07590 211 072

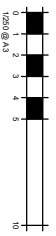


Location Plan - Scale 1/1250



Site Plan - Scale 1/250

PLANNING



12 - 16 CHAPEL STREET, THATCHAM

Notes

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Rev	Description	Date

**my architecture**  
 94 Widdell | 75 Battersea Park Road | London | SW8 4DA  
 T: 01502 6765 63 M: 07530 211 072

Project: Residential Redevelopment at  
 12 - 16 Chapel Street, Thatcham  
 Client: Young Estates & Land Ltd  
 Drawing: Site Plan - Ground Floor Layout

Scale: 1/250 @ A3 Date: Sep 18  
 Dwg No: 13.377.P.001D

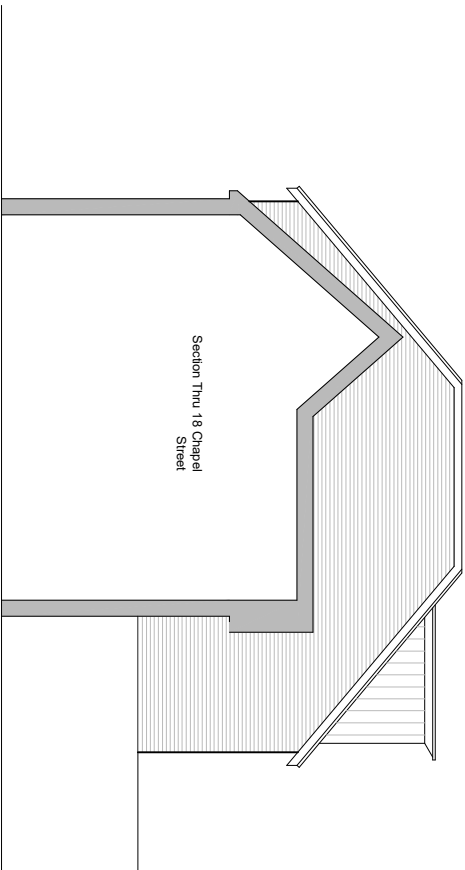
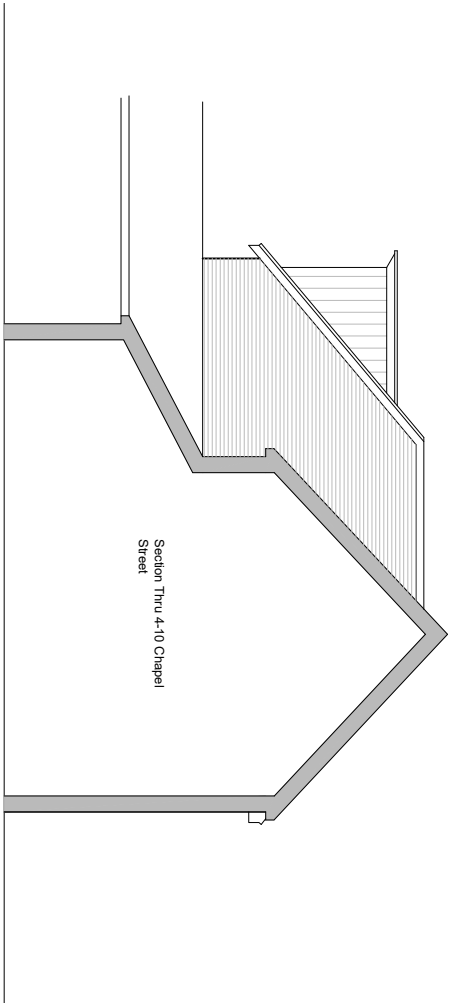




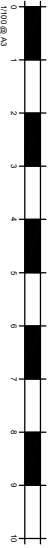


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**PLANNING**



**12 - 16 CHAPEL STREET, THATCHAM**

Rev	Amendment	Date

**my architecture**

94 Widdan | 75 Battersea Park Road | London SW8 4DA  
t: 01992 076 513 m: 07590 211 072

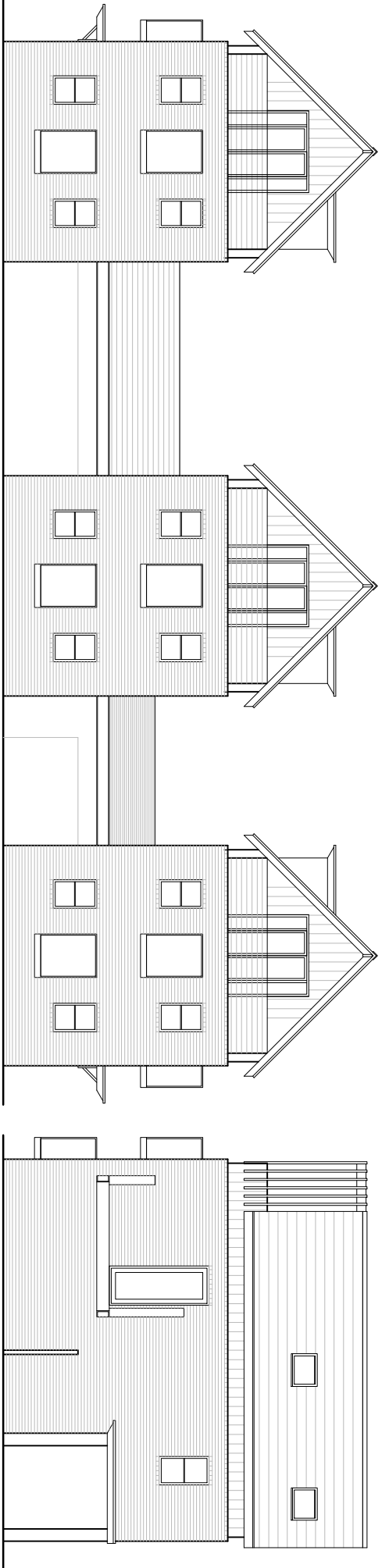
Project Residential Redevelopment at  
12 - 16 Chapel Street, Thatcham

Client Young Estates & Land Ltd

Drawing Plot 1 to 6 Side Elevations

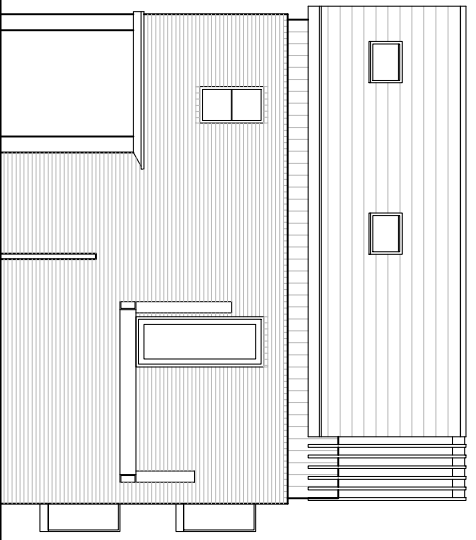
Scale 1/100 @ A3 Date Sep 18

Draw No. **13.377.P.201A**

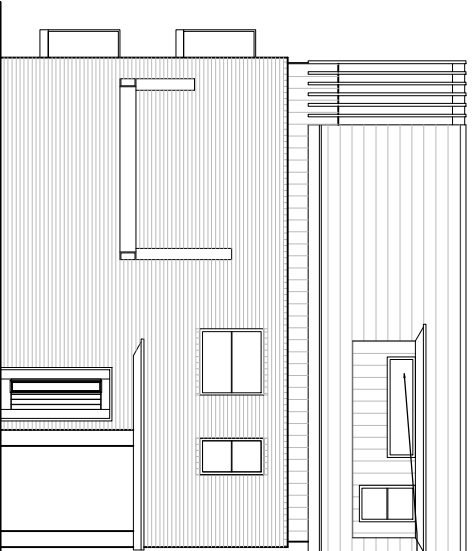


Front Elevation  
Plots 7-12

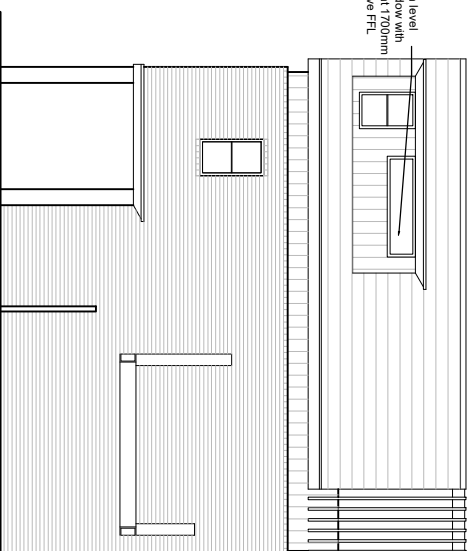
Side Elevation 1  
Plot 7&8



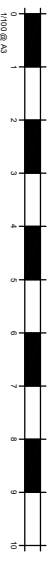
Side Elevation 1  
Plot 9&10



Side Elevation 2  
Plot 9&10



Side Elevation 1  
Plot 11&12



PLANNING

12 - 16 CHAPEL STREET, THATCHAM

High level window with sill at 700mm above FFL

High level window with sill at 700mm above FFL

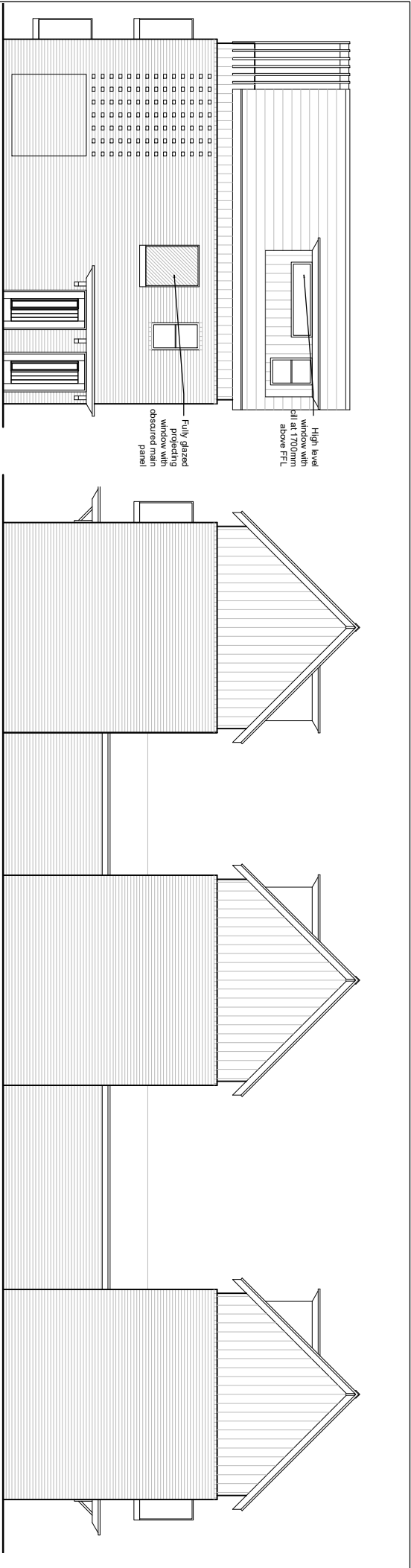
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Rev	Amendment	Date

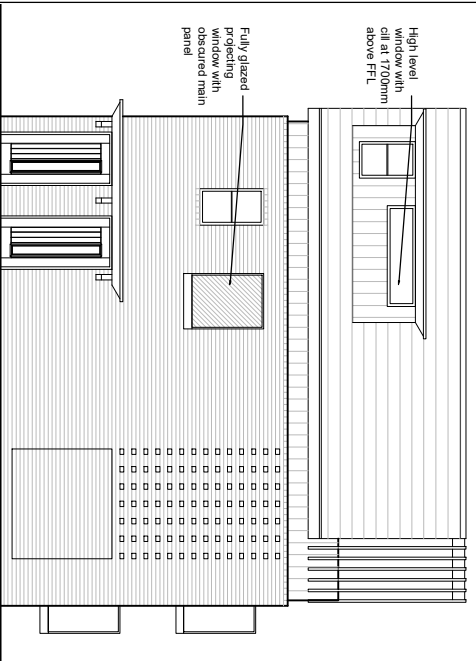
**mmu architects**  
 94 Widdan | 25 Battersea Park Road | London | SW8 4QA  
 t: 01952 676 535 | m: 07590 211 072

Project: Residential Redevelopment at  
 12 - 16 Chapel Street, Thatcham  
 Client: Young Estates & Land Ltd  
 Drawing: Plot 7 to 12 Elevations 102  
 Scale: 1/100 @ A3 | Date: Sep 18  
 Draw No: 13.377.P.210D



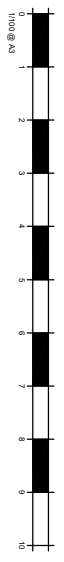
Side Elevation 2  
Plot 11&12

Rear Elevation  
Plots 7-12



Side Elevation 2  
Plot 7&8

PLANNING



12 - 16 CHAPEL STREET, THATCHAM

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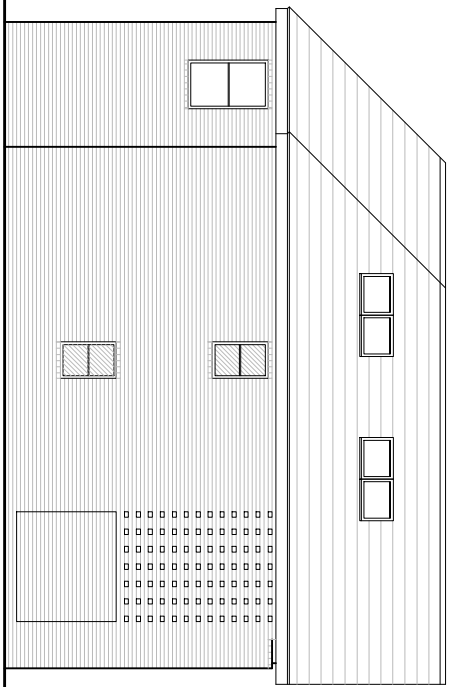
Rev	Amendment	Date

**mmu architects**  
 94 Winton | 25 Butters Park Road | London | SW8 4BA  
 t: 01992 076 515 | m: 07590 211 072

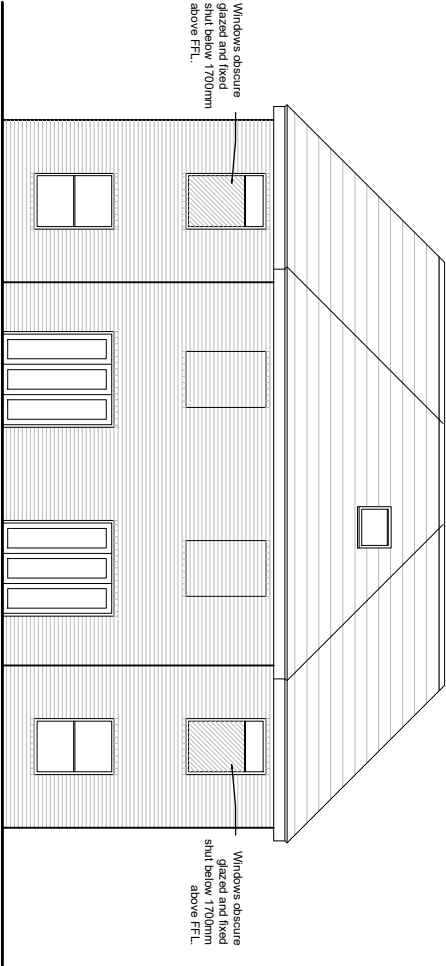
Project: Residential Redevelopment at  
 12 - 16 Chapel Street, Thatcham  
 Client: Young Estates & Land Ltd  
 Drawing: Plot 7 to 12 Elevations 2022  
 Scale: 1/100 @ A3 | Date: Sep 18  
 Drawn by: 13.377.P.211C



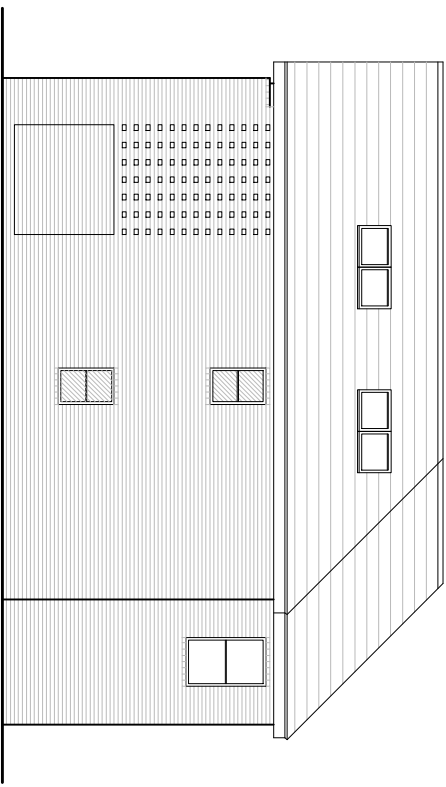
Front Elevation  
Plots 13-17



Side Elevation - Facing BUPA  
Plots 13-17



Rear Elevation  
Plots 13-17

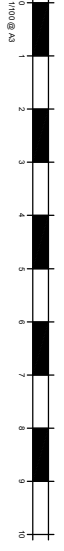


Side Elevation - Facing Church  
Plots 13-17

Windows obscure glazed and fixed shut below 1700mm above F.F.L.

Windows obscure glazed and fixed shut below 1700mm above F.F.L.

PLANNING



12 - 16 CHAPEL STREET, THATCHAM

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Rev	Amendment	Date

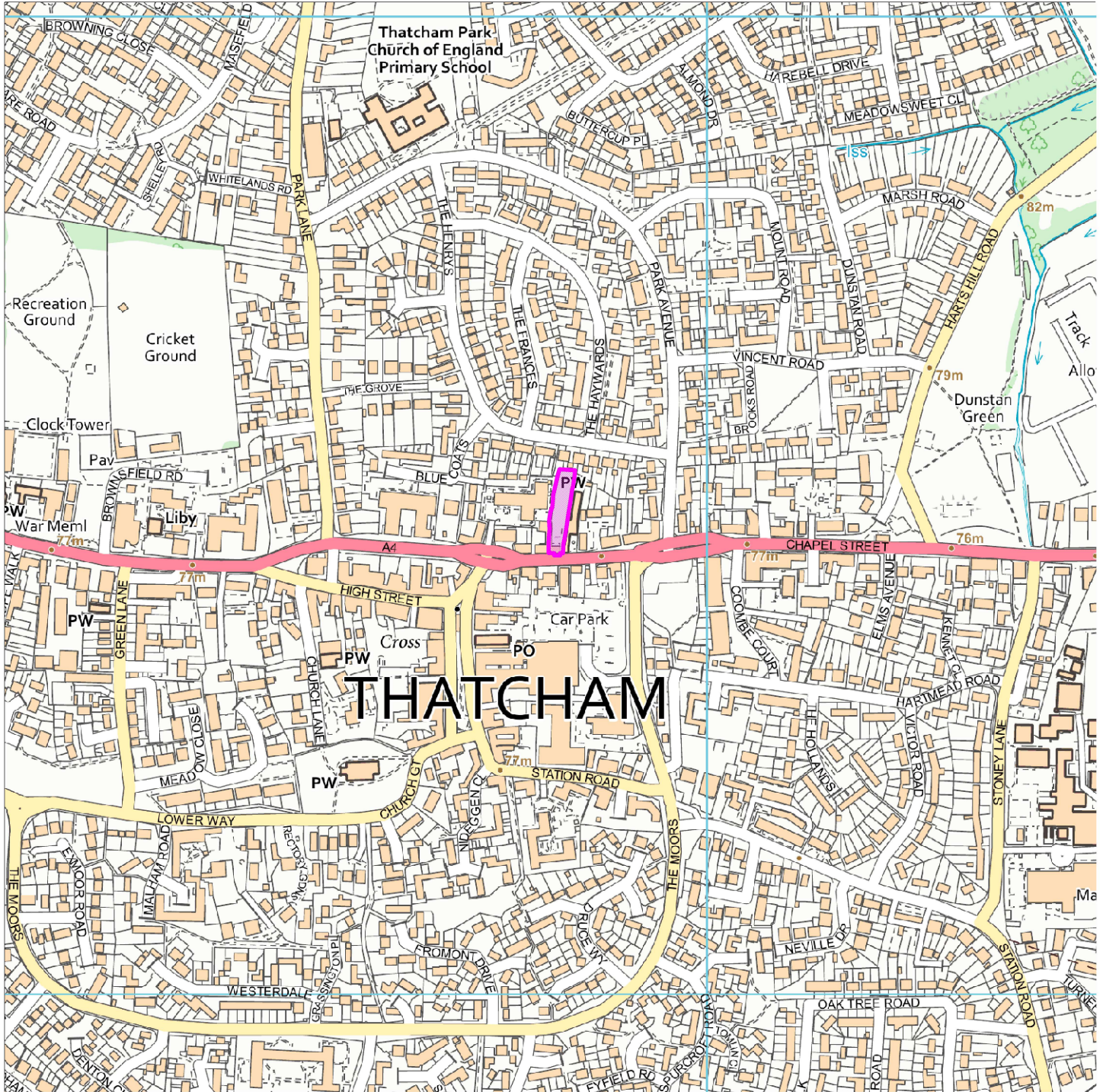
**mmu architecture**  
 94 Winton | 75 Battersea Park Road | London SW8 4BA  
 t: 01962 6765163 m: 07590 211 072

Project: Residential Redevelopment at  
 12 - 16 Chapel Street, Thatcham  
 Client: Young Estates & Land Ltd  
 Drawing: Plot 13 to 17 Elevations  
 Scale: 1/100 @ A3 Date: Sep 18  
 Draw No: 13.377.P.220D

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21/01698/FULMAJ

12 -16 Chapel Street, Thatcham, RG18 4QL



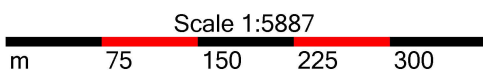
Map Centre Coordinates :

Scale : 1:5886

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	03 November 2022
<b>SLA Number</b>	0100024151



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# Plans and drawings relevant to reports submitted to Eastern Area Planning Committee

**Wednesday 16<sup>th</sup> November 2022 at 6.30pm**

**At Council Chamber, Council Offices, Market Street,  
Newbury, RG14 5LD**

**&**

**And via Zoom**

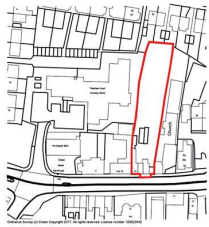
**[to be read in conjunction with the main agenda]**

*Please note:*

- *All drawings are copied at A4 and consequently are not scalable*
- *Most relevant plans have been included – however, in some cases, it may be necessary for the case officer to make a selection*
- *All drawings are available to view at [www.westberks.gov.uk](http://www.westberks.gov.uk)*



21/01698/FULMAJ  
12 -16 Chapel Street  
Thatcham  
West Berkshire  
RG18 4QL

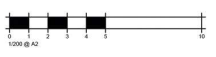


Location Plan - Scale 1/2500

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**PLANNING**



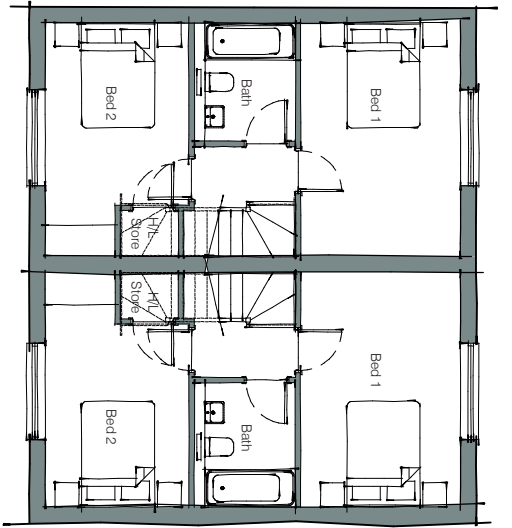
**12 - 16 CHAPEL STREET, THATCHAM**

**mu architecture**  
 94 Viridian | 75 Battersea Park Road | London SW8 4DA  
 t: 020862 676 555 | e: 075599 211 072

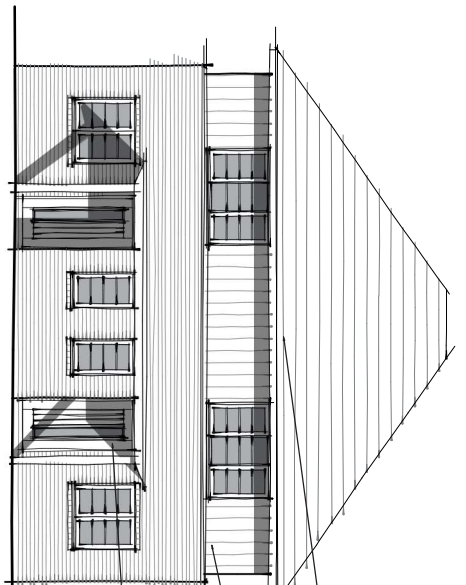
Project	Residential Redevelopment at 12 - 16 Chapel Street, Thatcham
Client	Young Estates & Land Ltd
Drawing	Site Plan - Roof Layout
Scale	1/200 @ A2
Date	Sep 20
Dwg No.	13.377.P2.001E

Rev	Amendment	Date

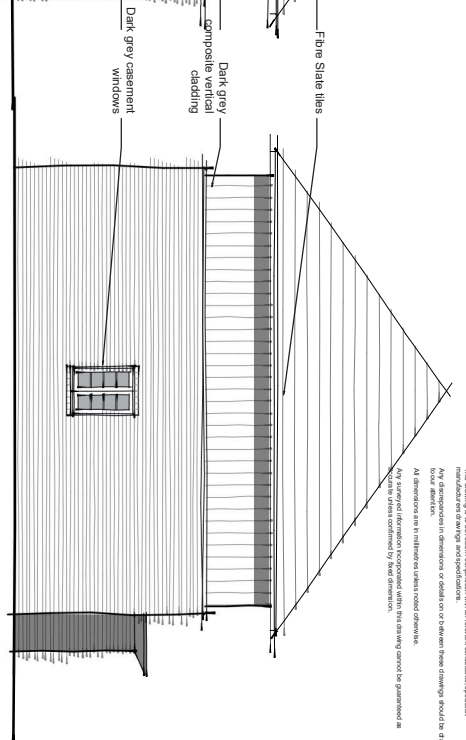




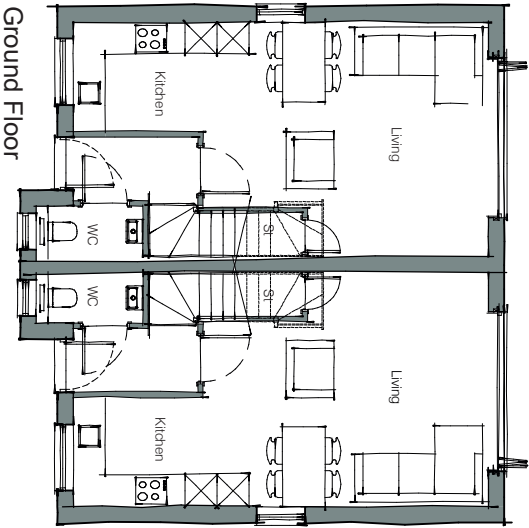
First Floor



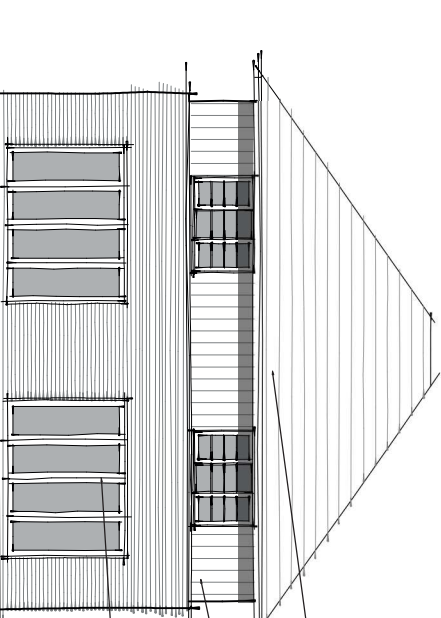
Front Elevation



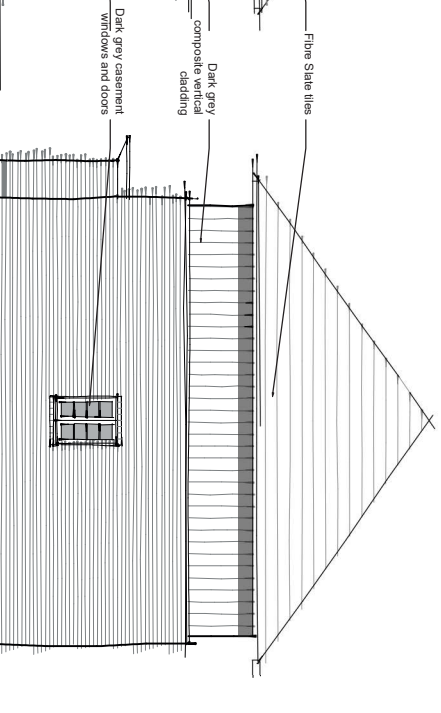
Side Elevation



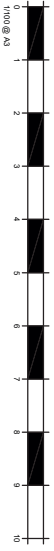
Ground Floor



Rear Elevation



Side Elevation



PLANNING

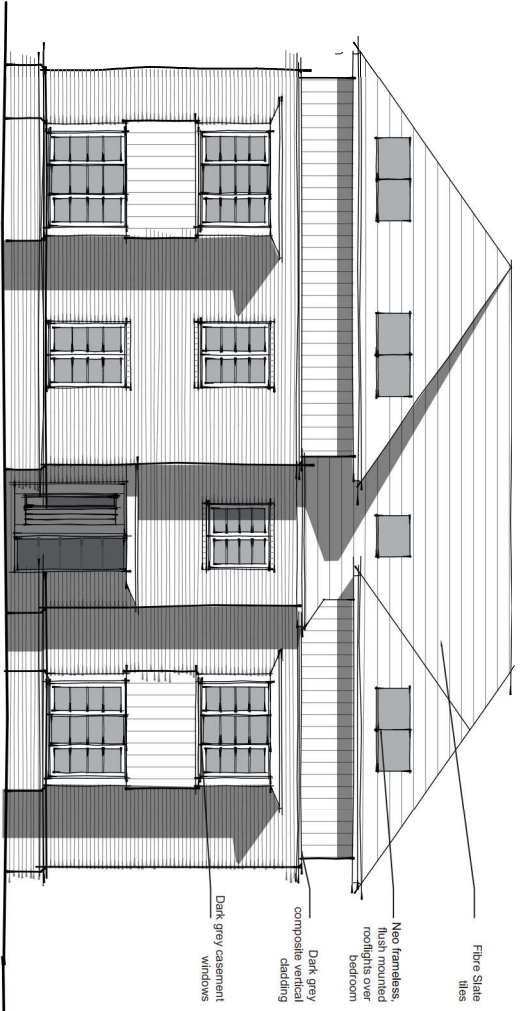
12 - 16 CHAPEL STREET, THATCHAM

Notes.

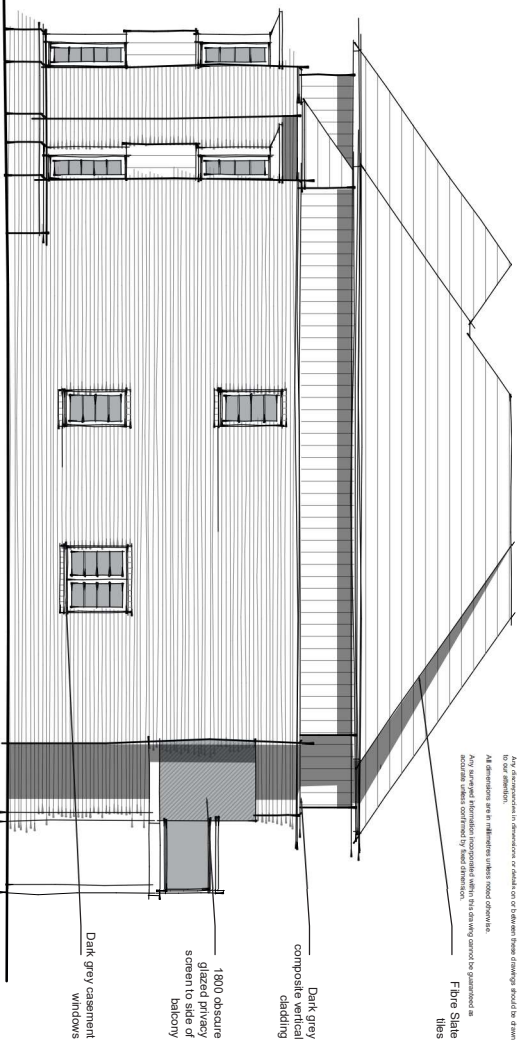
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Project	Residential Redevelopment at 12 - 16 Chapel Street, Thatcham
Client	Young Estates & Land Ltd
Drawing	Plot 1 & 2 Plans & Elevations
Scale	1/100 @ A3
Drawn By	13.377.P2.100F
Checked By	
Date	Sep 18
Rev	
Amendment	
Date	

**mmu architecture**  
 94 Winton | 75 Battersay Park Road | London SW8 4DA  
 t: 01962 676 633 m: 07590 211 072



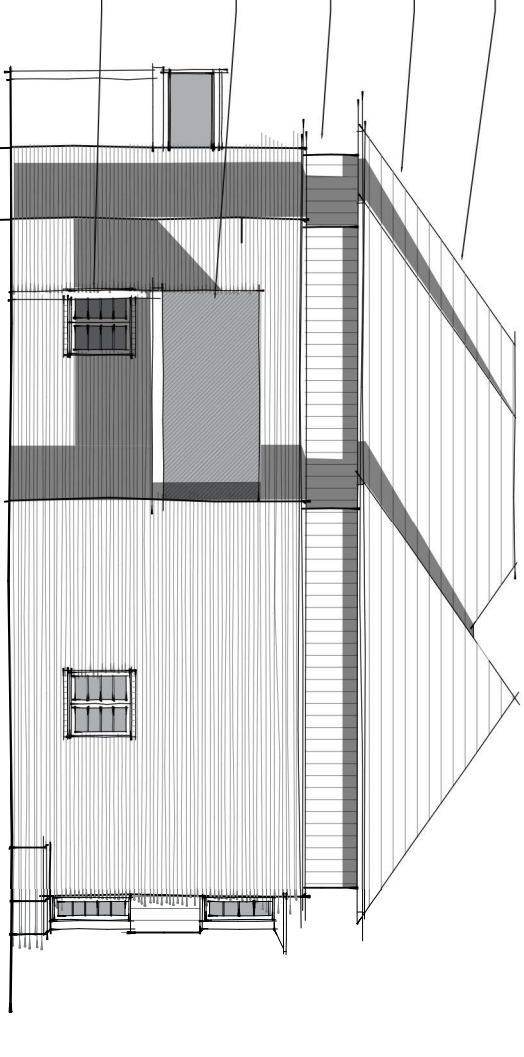
Front Elevation



Side Elevation



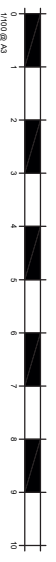
Rear Elevation



Side Elevation

Notes:

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PLANNING

12 - 16 CHAPEL STREET, THATCHAM

Rev	Amendment	Date

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 t: 01962 6766 633 m: 07590 211 072

Project: Residential Redevelopment at  
 12 - 16 Chapel Street, Thatcham

Client: Young Estates & Land Ltd

Drawing: Plot 3-11 Elevations

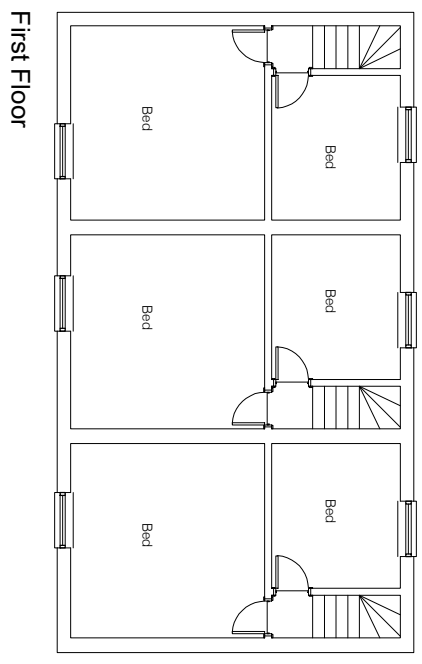
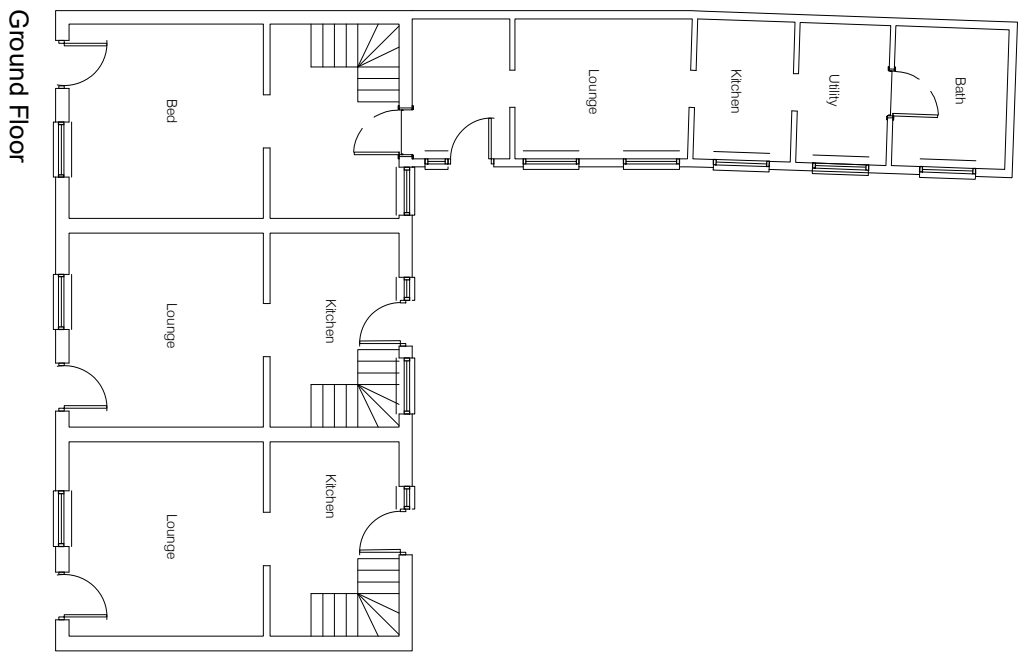
Scale: 1/100 @ A3 Date: Apr 21

Dwg No: 13.377.P2.220C

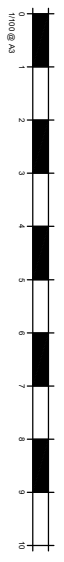


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**PLANNING**



**12 - 16 CHAPEL STREET, THATCHAM**

Rev	Amendment	Date

**mmu architecture**  
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 t: 01992 076 515 m: 07590 211 072

Project: Residential Redevelopment at  
 12 - 16 Chapel Street, Thatcham  
 Client: Young Estates & Land Ltd  
 Drawing: Existing Plans  
 Scale: 1/100 @ A3 Date: Sep 18  
 Dwg No: 13.377.P2.010



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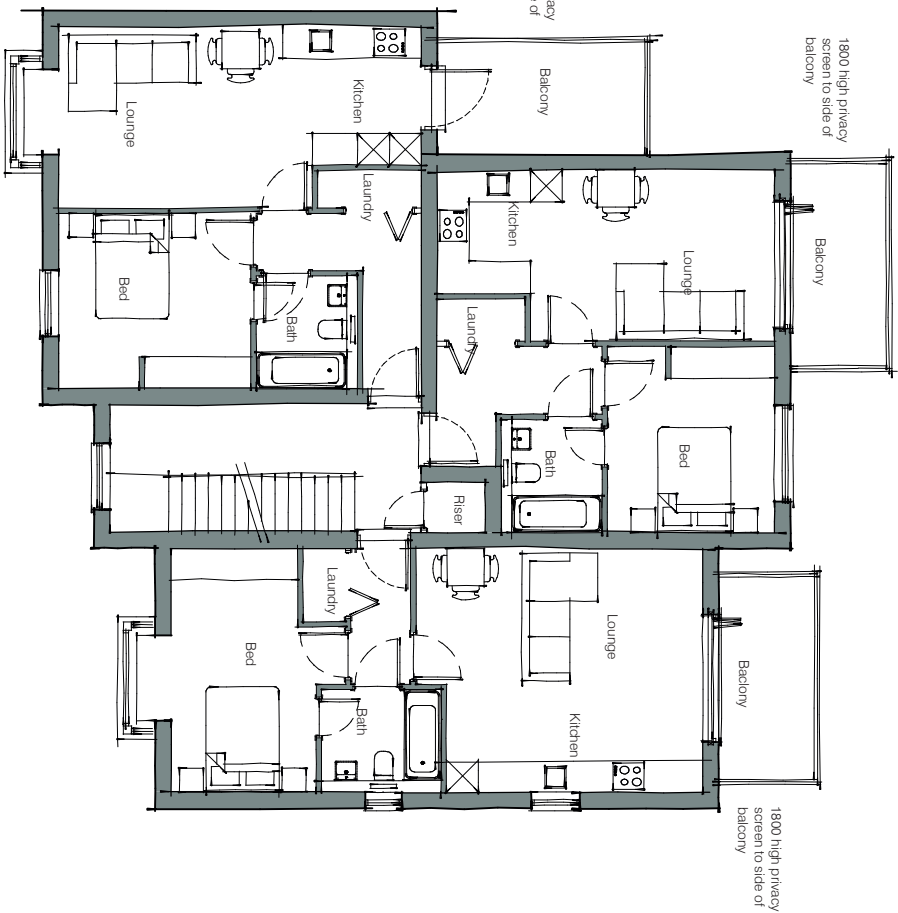
Any dimensions in alternative or detail not of better than those shown should be drawn to the drawing.

All dimensions are in millimetres unless noted otherwise.

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Ground Floor



First Floor

PLANNING



12 - 16 CHAPEL STREET, THATCHAM

Rev	Amendment	Date

**mmu architecture**

94 Vindall | 25 Batterssea Park Road | London | SW8 4DA  
 t: 01992 676 635 m: 07590 211 072

Project Residential Redevelopment at  
 12 - 16 Chapel Street, Thatcham

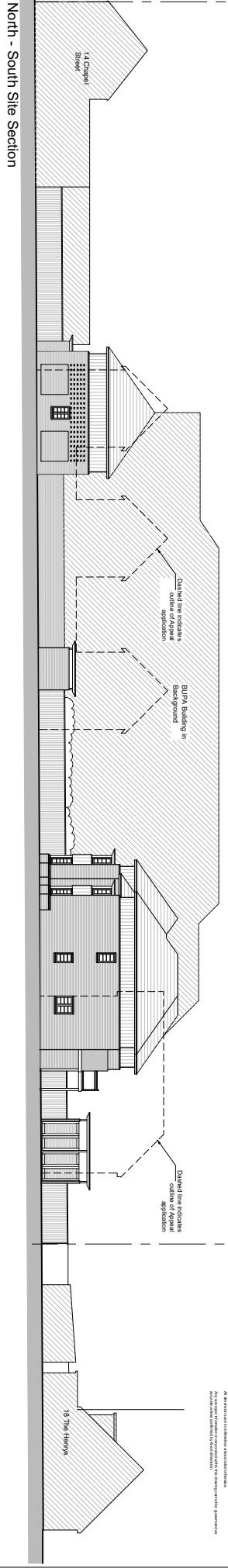
Client Young Estates & Land Ltd

Drawing Plot 3-11 Floor Plans

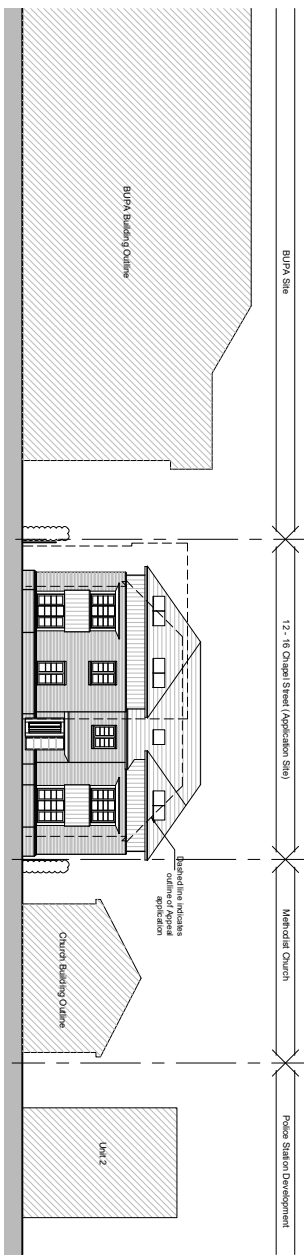
Scale 1/100 @ A3 Date Apr 21

Dwg No. 13.377.P2.120F



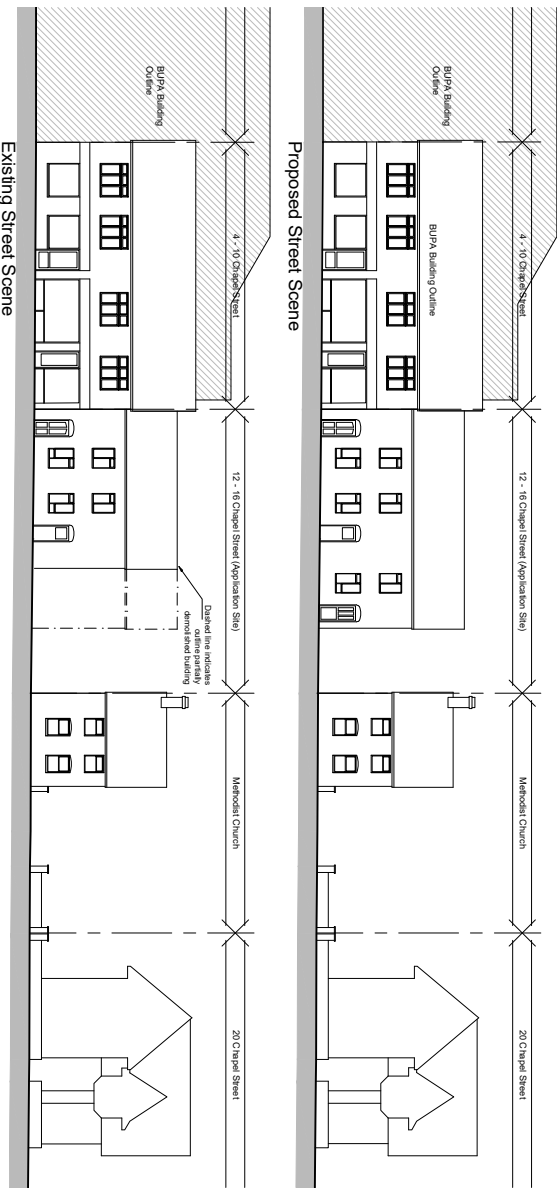


North - South Site Section

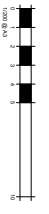


East - West Site Section

**NOTE:** Proposed planting has not been included on Street Scenes and Sections to aid legibility



**PLANNING**



**12 - 16 CHAPEL STREET, THATCHAM**

**Notes**  
 1. All drawings are to be read in conjunction with the Planning Application Form and the Planning Application Notes.  
 2. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.  
 3. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.  
 4. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.  
 5. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.  
 6. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.  
 7. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.  
 8. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.  
 9. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.  
 10. The Planning Application Form and the Planning Application Notes are available on the Planning Portal.





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