

# Notice of Meeting



Scan here to access the public documents for this meeting

## Eastern Area Planning Committee Wednesday, 4 October, 2023 at 6.30 pm in the Council Chamber, Council Offices, Market Street, Newbury

This meeting will be streamed live here: [Link to Eastern Area Planning Committee broadcasts](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings](#)

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 speak must notify the Planning Team by no later than 4.00pm on 03 October 2023 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, 26 September 2023

### 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, 4 October 2023**  
(continued)

**To:** Councillors Alan Macro (Chairman), Richard Somner (Vice-Chairman),  
Jeremy Cottam, Paul Kander, Ross Mackinnon, Geoff Mayes,  
Justin Pemberton, Vicky Poole and Clive Taylor

**Substitutes:** Councillors Jeff Brooks, Laura Coyle, Lee Dillon, Jane Langford, Biyi Oloko  
and Joanne Stewart

---

# Agenda

Part I	Page No.
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 July 2023.	5 - 24
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>23/01552/REG3, Stratfield Mortimer</b>	25 - 46
<b>Proposal:</b> It is proposed to replace the existing permanent 18 pitch Gypsy caravan site with a new 17 permanent pitch Gypsy caravan site. Each pitch is to consist of a hard standing area large enough for two twin axle caravans, car parking for two vehicles and a 30 sq m amenity building consisting of a kitchen/dayroom, bathroom, separate WC and utility area. In addition to the amenity buildings a recycle storage facility, children play area and sewerage treatment plant are to be located within the site.	
<b>Location:</b> Four Houses Corner Caravan Site, Reading Road, Ufton Nervet, Reading	
<b>Applicant:</b> West Berkshire Council	
<b>Recommendation:</b> Grant planning permission	



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 4 October 2023**  
(continued)

- (2) **23/00879/FUL, Stratfield Mortimer** 47 - 58

**Proposal:** Relocation of the approved commercial kitchen extractor vent

**Location:** 6A Victoria Road, Mortimer Common

**Applicant:** Mr Fetdah Cura

**Recommendation:** Grant planning permission

- (3) **22/01953/FULD, Bradfield** 59 - 82

**Proposal:** Revised application for demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage

**Location:** Reservoir (covered), Bishops Road, Tutts Clump, Reading

**Applicant:** Mr Tony Swales

**Recommendation:** Refuse planning permission

**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



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

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 4 October 2023**  
*(continued)*

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

## 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 JULY 2023**

**Councillors Present:** Jeremy Cottam, Paul Kander, Justin Pemberton, Vicky Poole and Clive Taylor

**Also Present:** Sharon Armour (Principal Lawyer - Planning & Governance), Michael Butler (Principal Planning Officer), Patrick Haran (Senior Planner), Lydia Mather (Principal Planning Officer) and Benjamin Ryan (Clerk)

**Apologies for inability to attend the meeting:** Councillor Alan Macro, Councillor Richard Somner, Councillor Ross Mackinnon and Councillor Geoff Mayes

#### **33. Minutes**

As the Chairman (Councillor Alan Macro) and the Vice-Chairman Councillor Richard Somner had given their apologies for this meeting, Councillor Justin Pemberton proposed that Councillor Clive Taylor act as Chairman for the duration of the meeting and this was seconded by Councillor Paul Kander. This was put to vote and the motion was carried.

Councillor Clive Taylor in the Chair for the duration of the meeting.

The Minutes of the meetings held on 26 April 2023 and 25 May 2023 were approved as a true and correct record and signed by the Chairman.

#### **34. Declarations of Interest**

Councillor Vicky Poole declared an interest in Agenda Items 4(1) and 4(2) by virtue of the fact that she knew the applicant, Nigel Hopes, as a work colleague and from a network group, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

All Councillors declared that they had received a letter from the objectors lobbying the Committee on Agenda Items 4(1) and 4(2).

#### **35. Schedule of Planning Applications**

##### **(1) Application No. and Parish 23/00376/FULMAJ, Awberry Farm Beenham**

*Item starts at 6 minutes and 27 seconds into the recording.*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/00376/FULMAJ, in respect of a full application for the change of use of the site to a flexible events venue, [120 guests maximum] including the provision of overnight accommodation. The barn/site was to be used for no more than 28 weddings/major events per annum, on Saturdays only at Awberry Farm Beenham.
2. Mr Michael Butler 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

## **EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

and officers recommended that the Service Director of Development and Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

3. Mr Paul Goddard explained to the Committee the process of estimating potential traffic movements to and from the site. Mr Goddard expressed that through the use of the Trics database, this would evaluate similar sites and provide the potential traffic flow for Awberry Farm. The Highways Department noted that this site would generate less traffic than the other potential uses within the use class (Class E). The estimate for the site was around 140 vehicle movements a day for 28 days within the year. Mr Goddard added that it would be difficult to reject the proposal on the grounds of poor sightlines due to the small number of vehicle movements.
4. In accordance with the Council's Constitution, Mr Dieter Hinke, Beenham Parish Council representative, Mr Sarah Leijten, objector, Mr Nigel Toon, supporter, Mr Nigel Hopes, applicant and Councillor Dominic Boeck, Ward Member, addressed the Committee on this application.

### **Parish Council Representation**

5. Mr Hinke in addressing the Committee raised the following points:
  - Although there was a need to encourage the growth of the rural economy, this should not come at the cost of local harmony. The increased noise, traffic and environmental impact of the venue would affect this.
  - The increased traffic could be dangerous for horse riders that used the local roads.
  - There were cottages as little as 150 metres from the venue, which would be affected by the noise and residents might have to give up sitting in the garden.
  - The report stated that the site would not be sustainable.
  - There was an objection from the Area of Outstanding Natural Beauty (AONB) Officer, which had been ignored by the Planning Officer.

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

6. The Committee heard that the local school held between two and three events a year.

### **Objector Representation**

7. Ms Leijten in addressing the Committee raised the following points:
  - The Council had made promises to work together with residents to deliver what was best for the community and to approve this application would oppose this.
  - The economic benefits of the venue were speculative and exaggerated. The economic development statement on the increase in marriages neglected the fact that this was due to COVID-19.
  - The application failed to comply with the AONB plan as it would fail to preserve or enhance the natural beauty of the area.
  - The application also ran contrary to the West Berkshire Local Plan, which aimed to protect the quiet areas of West Berkshire.
  - 61% of representations were objections and this application did not promote social cohesion.
  - The Trics system report was not accurate as this was a unique site.

## **EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

- The transport and planning statements were full of inaccuracies.

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

8. Members did not have any questions of clarification.

### **Supporter Representation**

9. Mr Toon in addressing the Committee raised the following points:

- Residents' initial fears were over the potential for the site to be used for more than just weddings.
- The applicant had tried to meet the demands of residents by reducing the number of events by 75%, he reduced the number of attendees and introduced several forms of noise mitigation.
- The venue would provide much-needed jobs to the local economy.
- It was unfair to suggest that the entire village was against this application with 60 supporters and 62 objectors.
- Drivers in the area would be patient and the reaction to the potential traffic was overblown.
- Similar opposition was received to the application for the public house within Beenham, which was a valued asset and the same could be said of this site.

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

10. The Committee heard that Mr Toon was unsure of how many extra traffic movements the pub generated.

11. It was said to the Committee that the applicant would be attending all events.

### **Applicant Representation**

12. Mr Hopes in addressing the Committee raised the following points:

- That the applicant had worked closely with key parties to make the application acceptable.
- The application aimed to keep the site in line with the local aesthetic.
- The only new additions would be the car park and porch, the rest was the conversion of existing buildings.
- That the application has since added considerable noise mitigation with the addition of the walls.
- Music would be stopped at 11:45 pm.
- 300 new trees were to be planted to encourage biodiversity, which would screen the cars.
- That the site could provide considerable benefits for the residents.
- That Mr Hopes would be at all events and lived close by, so he would be able to manage the noise. The applicant would also have control over all bookings.
- That there was significant local support.

### **Member Questions to the Applicant**

13. The applicant informed the Committee that the application included air conditioning in the barn, but not all the buildings.

## **EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

14. Mr Hopes explained that the noise would be regulated by performers being required to follow the terms and conditions and that if these were broken, they would not be allowed back. The music would also be wired through the venue's sound system that warned the performers if they were being too loud and would shut off if they did not adjust the volume levels.
15. The Committee heard that the site had a detailed noise management plan and that the hirers of the site would be regulated, firstly by the terms and conditions and secondly by security on the site. Mr Hopes explained that there would be a restricted smoking area.
16. Mr Hopes emphasised that he did not intend to sell the property anytime soon and expected it to remain within the family.
17. The applicant expressed that the venue was for wedding events and that they would be present at every event.
18. Mr Hopes explained that he had not thought of having more than one event a day.
19. The Committee were told that the car parking space could be used for other events within the village if required.
20. Mr Hopes confirmed that the 28 days of events could be anytime throughout the year.

### **Ward Member Representation**

21. Councillor Dominic Boeck in addressing the Committee raised the following points:
  - That he called-in the application to Committee as he wanted to make sure the village had a voice.
  - That if the application was to be approved, then it needed to be with conditions.

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

22. Members did not have any questions of clarification.

### **Member Questions to Officers**

23. Mr Butler explained that this was not a personal permission, and the planning permission was applied to the property, not the individual. Any new owner would need to comply with the conditions.
24. The Committee heard that there was no financial connection with the pub within the village.
25. Mr Butler emphasised that, if approved, there would be a financial benefit for the village.
26. Mr Butler added that to apply a Section 106 agreement would be ultra vires.
27. Mr Butler expressed that he had not ignored the AONB Officer and that recommendations were made on balance.
28. The Committee heard that once the application was granted, further applications could be applied for.
29. Mr Butler explained that three enforcement officers dealt with policing applications.
30. The Committee was informed that in 1995 the property was granted a personal permission for Class B1[c] use that would eventually become a Class E use class type and that Class E had no time limits on it.



## **EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

31. The Committee was told that the 28 days of events did not include small personal gatherings and that this included commercial uses only.
32. Mr Butler expressed that the 'quiet enjoyments of one's property' had been considered, however, there would be some impact.
33. Mr Butler argued that the application could be refused. However, there were no good grounds for refusal that could be successfully defended at appeal as the impact due to highways and noise would not cause significant harm.
34. The Committee were informed that the acoustic fencing around the property would only be effective against traffic.
35. Mr Butler listed the following uses that were included within Class E: the retail of goods, and the retail of food and drink including consumption on the premises; financial and professional services; commercial or business uses; medical or health services; and crèche, day nursery or day centre uses plus Class B or C.

### **Debate**

36. Councillor Jeremy Cottam opened the debate by expressing that the Committee was restricted by planning law and that the application site already had significant planning permission on the site. The Councillor stated that officers had worked hard to make the application more agreeable to residents and that his main concern over the doors being opened in the summer had been put to rest in regard to the air conditioning. Finally, Councillor Cottam emphasised that there was a condition that would deal with the noise volumes and that the traffic would be spread over the course of several days.
37. Councillor Paul Kander suggested that there could be a condition to alarm the doors that were not entry or exit doors, as this would stop them from being propped open. The Councillor stated that this was a difficult application and he could see both sides of the argument.
38. Councillor Jane Langford expressed that there would be some impact on the residents that lived close to the site. The Councillor disregarded the employment issue as all the uses under Class E would provide employment and that the other options in Class E would not be activities that went on into the night. Councillor Langford believed that the initiative would improve the area of Awberry Farm, however, she was saddened by the divisive nature of the application.
39. Councillor Vicky Poole noted that the other Class E uses would also see a significant impact on the area, however, the work generated by the venue would only be seasonal. The Councillor explained that as the venue would only be open on weekends the traffic would be limited to one day a week, however, other businesses would generate traffic five days a week. Councillor Poole finished by stating that the application needed to be looked at as a whole and not just on one issue.
40. Councillor Pemberton was pleased with the regeneration of the empty buildings and emphasised the need to take the application on planning considerations only.
41. Councillor Cottam 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 Pemberton.
42. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cottam, seconded by Councillor Pemberton, to grant planning permission. At the vote, the motion was carried.

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

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

### Conditions

1. The development hereby permitted shall begin no 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. The development hereby permitted shall be implemented in strict accordance with the following approved plans and documents.

Location plan--by blue jet.

Forge arrangements --22/10/41

Acoustic Fencing--22/10/60-A

Listed barn elevations--22/10/16 A

Workshop--22/10/21 B

Floorplan-barn-22/10/14

Open barn proposal --22/10/31

Block plan--22/10/50 B

Comparative Site Sections 22/10/70

ET Planning, Design and Access Statement February 2023

Clarke Saunders Acoustics Noise Impact Assessment February 2023

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

3. The use hereby permitted shall not be operated on site for more than 28 days each year and those days shall be Saturdays only. The event on each day shall not commence prior to 12:00 on that day, and must cease at 23:30 on that day. No more than 120 guests (including children) shall be present on site for any event.

Reason. To clarify the permission in accord with the advice in policy OVS6 in the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire Core Strategy 2006-2026, and the National Planning Policy Framework.

4. The use hereby permitted shall not commence until all of the works under application number 23/01014/LBC and all of the acoustic fence have been completed.

Reason. To ensure noise mitigation is installed to protect the amenity of other land users and occupiers in accordance with policy OVS6 in the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.

5. The use hereby approved shall not commence until the noise control measures to the tithe barn, as set out in the Noise Impact Assessment (Clarke Saunders reference AS12735.230116.R1 dated 10/02/23) submitted with the application, are implemented. The noise control measures shall be retained and maintained in accordance with the noise impact assessment thereafter.

Reason: To protect the occupants of nearby residential properties from noise in accordance with policy OVS6 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire District Core Strategy 2006-2026 and the National Planning Policy Framework.

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

6. The level of noise emitted from amplified music associated with the use hereby permitted shall not exceed 35dB LAeq, 15m at the nearest residential receptor. No amplified music shall be played on site other than within the tithe barn. Any sub woofers shall not be used after 22:00, and all music, amplified and non-amplified shall cease at 23:00.

Reason: To protect the occupants of nearby residential properties from noise in accordance with policy OVS6 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire District Core Strategy 2006-2026 and the National Planning Policy Framework.

7. The premises shall be operated in compliance with all aspects of the Noise Management Plan appended to the Noise Impact Assessment (Clarke Saunders reference AS12735.230116.R1 dated 10/02/23) submitted with the application.

Reason: To protect the occupants of nearby residential properties from noise in accordance with policy OVS6 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire District Core Strategy 2006-2026 and the National Planning Policy Framework.

8. A noise limiting device shall be installed at the premises and maintained in such a manner as to control all sources of amplified music and speech at the premises. The device shall be:-

- used at all times during the event;
- set at a level agreed in writing with the Local Planning Authority; and
- sealed in a manner which is tamper proof.

Reason: To protect the occupants of nearby residential properties from noise in accordance with policy OVS6 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire District Core Strategy 2006-2026 and the National Planning Policy Framework.

9. All external doors and windows must be kept closed, other than for access and egress, when activities involving amplified music or speech are taking place, during each wedding event.

Reason: To protect the occupants of nearby residential properties from noise in accordance with policy OVS6 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire District Core Strategy 2006-2026 and the National Planning Policy Framework.

10. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the rating level therefrom does not exceed the existing background noise level when measured in accordance with BS4142:2014 (or any subsequent revision).

Reason: To protect the occupants of nearby residential properties from noise in accordance with policy OVS6 of the West Berkshire District Local Plan Saved Policies 2007, policy CS14 of the West Berkshire District Core Strategy 2006-2026 and the National Planning Policy Framework.

11. 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

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water-use;

b) Include a Flood Risk Assessment (FRA) for developments located in areas at risk of flooding (in Flood Zone 2 and 3 or from surface water) or developments larger than 1 hectare;

c) Include a Flood Response Plan identifying safe access and egress routes to the site and, where appropriate, areas of safe refuge for the occupants. Details of procedures to be followed and provisions to be available should be included within the pack for use during a flood event. The relevant emergency contact details should also be provided;

d) Include details of how the existing flood routes will be sustained or mitigated (any measures for loss of flood routes shall not increase flood risk elsewhere);

e) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;

The above measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part4 of Supplementary Planning Document Quality Design (June 2006) and SuDS

Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

12. The car parking as proposed on the application site shall be laid out in accordance with the approved plans prior to the use hereby permitted being commenced. The car parking shall be retained in perpetuity on the site in satisfactory condition, so long as the use permitted subsists on the site.

Reason. To ensure that the site has sufficient parking on site in accordance with policy CS13 in the West Berkshire Core Strategy of 2006 to 2026 and the National Planning Policy Framework.

13. The use shall not commence until electric vehicle charging points have been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric 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), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

14. 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).

15. The use 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 the first use of the venue for weddings. 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.

16. The development shall be undertaken in accordance with the bat mitigation measures identified in the John Wenman Ecological Consultancy Bat Emergency & Re-entry Survey Ref R3003/a. Prior to commencement of the relevant works to the listed building: a copy of the European Protected Species Mitigation Licence shall be submitted to the Local Planning Authority prior; bat boxes shall be installed, and the licensed ecologist shall give a toolbox talk to contractors.

Reason: To ensure protected species on site are protected as part of the works in accordance with the National Planning Policy Framework and policy CS17 of the West Berkshire Core Strategy 2006-2026.

17. Prior to the development being brought into use, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats 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: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

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.

18. The development hereby permitted shall not be brought into use until biodiversity enhancements has been implemented 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, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

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

If the conversion works hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within a year from the date of the planning permission, the approved ecological measures secured through Conditions 16 and 17 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 bats 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 continuation of the works. 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 that any working practices or other mitigation measures are informed by up-to-date survey information in the interests of protecting bat populations. A pre-commencement condition is required for updated surveys given the mobile nature of bats. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

20. The accommodation hereby permitted on the site shall only be used in conjunction with the wedding venue use and shall be occupied only on the relevant weekend event between the hours of 12 noon on the Friday to 12 noon on the Sunday of the weekend event.

Reason: To ensure no wider accommodation use is permitted in accord with the advice in policies CS13 and ADPP5 in the WBCS of 2006 to 2026.

The decision to grant planning permission has been taken having regard to the policies and proposals in the statutory development plan. This includes the West Berkshire Core Strategy 2006-2026, the Housing Site Allocations DPD 2006-2026, the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), the West Berkshire Minerals and Waste Local Plan, Saved Policy NRM6 of the South East Plan, and Neighbourhood Development Plans for Stratfield Mortimer and Compton. Regard has also been given to the National Planning Policy Framework, Planning Practice Guidance, and relevant supplementary planning documents and guidance.

**Informatives:**

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.

### 2. Protected Species

Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter [www.gov.uk/guidance/wildlife-licences](http://www.gov.uk/guidance/wildlife-licences)

3. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

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 23/01014/LBC, Awberry Farm, Beenham**

*Item starts at 2 hours and 8 seconds into the recording.*

44. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 23/01014/LBC in respect of retention of unauthorised works, retrospective application for full restoration and conversion of the barn. Addition of internal insulation and air cooling, and a new porch to the west elevation to provide the key reception area for a flexible events venue at Awberry Farm, Beenham.

45. Mr Butler 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 of Development and Regulation be authorised to grant listed building consent, subject to the conditions outlined in the main and update reports.

46. Anything from Paul Goddard?

## **EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

47. In accordance with the Council's Constitution, Mr Peter McEwan, Beenham Parish Council representative, Mr David Hancock, objector, Mr Nigel Toon, supporter, and Mr Nigel Hopes, applicant, addressed the Committee on this application.

### **Parish Council Representation**

48. Mr McEwan in addressing the Committee raised the following points:

- The site had three separate renovations over the years where plans were not detailed properly.
- That a condition should be put into place to ask for the previous plans to be handed over to West Berkshire Council.
- That there would be one small door for the site users to enter through that required going up and down steps, meaning that there was no provision for disabled access to the site.
- That the application should be conditioned for a revaluation for the entrance porch.

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

49. Mr McEwan stated that the double door system was set up as mitigation for the noise and argued that there were no details in the report about access and that it would not work effectively.

50. Mr McEwan expressed that someone should have the plans for the previous developments and could provide the drawings.

### **Objector Representation**

51. Mr Hancock in addressing the Committee raised the following points:

- That the Committee could not tell what the future intentions of the site might be and that this could be used for further development down the line.
- Although there had been changes to the original application these changes were not enough.
- The site was at 35 decibels during testing, so with the addition of music it would surely bring the noise over the sound limit, therefore the sound target would be impossible to achieve.
- There were 60 residential properties nearby and all of these would be affected.
- It would be a risk to approve the retrospective planning application.

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

52. Mr Hancock expressed that he was unsure what impact the noise suppression would have at the site.

### **Supporter Representation**

53. Mr Toon in addressing the Committee raised the following points:

- The renovations would not compromise the historic structure of the barn.
- There would be no material difference compared to the existing structure.
- The barn would be supplemental to what was already in the village, in terms of the venues available.

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

54. Members did not have any questions of clarification.



## **EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

### **Applicant Representation**

55. Mr Hopes in addressing the Committee raised the following points:

- The applicant worked with the wider community to discuss the changes; they had also reached out to multiple objectors.
- The barn had been used for weddings before.
- The Conservation Officer had no objections.
- They worked with a heritage building consultant to preserve the integrity of the heritage asset.
- There would be screening to prevent the visibility of the car park.
- There were no sightlines where the light from Awberry Farm could be seen by residents.

### **Member Questions to the Applicant**

56. Mr Hopes explained that catering would come through the north set of double doors and the single door was for access to the toilet facilities. The double doors to the south would be shut at 22:00.

57. The Committee heard that the current disabled access to the toilet would be through the double doors.

58. Mr Hopes expressed that a fire assessment had taken place and was approved.

59. The Committee heard that this was the final application that Mr Hopes planned to put forward.

### **Member Questions to Officers**

60. Mr Butler expressed that even though the doors would have to be opened for disabled access, officers concluded that the noise impact would be acceptable.

61. Mr Butler argued that it would not be appropriate or consistent to refuse the application, due to the potential noise implications, as the previous application was considered acceptable.

62. The Committee heard that to condition the need to find the old plans would be unreasonable.

63. The Committee was informed that Disability Discrimination Act (DDA) compliance did not extend to listed buildings.

64. Ms Lydia Mather explained that the Committee could consider whether an amended plan could be delegated to officers for approval, which would consider disabled access.

65. The Committee heard that the delegated decision would be reviewed by the Chairman of the Committee and the Ward Member to provide oversight. If neither the Ward Member nor the Chairman were satisfied, the application could go back to the Committee. However, the application had already been in front of the Committee.

66. Mr Butler explained that the existing roof would be maintained, and it was only being raised. Ms Mather explained that a condition could be added over the use of roof tiles. This was to insert the additional acoustic insulation material.

### **Debate**

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

67. Councillor Langford opened the debate by stating that the amended plans should not be agreed upon by delegated powers due to the strong feeling in the village, therefore it should be brought back to Committee.
68. Councillor Cottam proposed to accept the Officer's recommendation and grant listed building consent subject to the conditions listed in the main report and update report. There would also be the addition of a condition around the re-submission of plans, which were to be considered by the Chairman and Ward Member, to accommodate the disabled access and a condition on the tiling of the roof. This was seconded by Councillor Poole.
69. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cottam, seconded by Councillor Poole, to grant listed building consent. At the vote the motion was carried.

**RESOLVED that** the Service Director for Development and Regulation be authorised to grant listed building consent subject to the following conditions:

### Conditions

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Air ventilation/cooling.

No development shall take place until full details/cross sections showing how all ducting (from the ventilation units and air conditioning units) will feed into the building, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

3. The development must be carried out in strict accord with the following as approved plans.

Existing site plan-21/08/04 A

Location plan -blue jet mapping.

Floor plan—22/010/14C

Site plan-21/08/04

Section-22/10/sct

Elevations -22/10/16D

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

4. The change of use permitted under 23/00376/FULMAJ shall not commence until all the works to be carried out as approved by this listed building consent have been completed.

Reason: To ensure the noise impact is mitigated to a satisfactory level in accordance with policy OVS6 in the West Berkshire District Local Plan of 1991 to 2006 and the National Planning Policy Framework

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

5. The works to the listed building hereby granted shall be undertaken in accordance with the bat mitigation measures identified in the John Wenman Ecological Consultancy Bat Emergency & Re-entry Survey Ref R3003/a. Prior to commencement of the relevant works to the listed building: a copy of the European Protected Species Mitigation Licence shall be submitted to the Local Planning Authority prior; bat boxes shall be installed, and the licensed ecologist shall give a toolbox talk to contractors.

Reason: To ensure protected species on site are protected as part of the works in accordance with the National Planning Policy Framework and policy CS17 of the West Berkshire Core Strategy 2006-2026.

6. If the conversion works hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within a year from the date of the planning permission, the approved ecological measures secured through Condition 5 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 bats 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 continuation of the works. 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 that any working practices or other mitigation measures are informed by up-to-date survey information in the interests of protecting bat populations. A pre-commencement condition is required for updated surveys given the mobile nature of bats. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

7. Existing roof tiles from the main roof, which need to be removed as part of the proposal, shall be reused in the proposed works. Where the use of reclaimed roof tiles are required to be used where insufficient numbers of salvageable roof tiles are available, no re-roofing shall take place until a sample of reclaimed roof tiles has been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

This decision has been taken having regard to the policies and proposals in the West Berkshire

District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

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

### **Informatives:**

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being investigated.
2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met.
3. 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.

### **(3) Application No. and Parish: 22/02945/REG4, Francis Baily Primary School**

*Item starts at 3 hours and 8 minutes into the recording.*

#### **Continuation of meeting**

70. In accordance with the Council's Constitution, Part 3, paragraph 10.8, the Committee supported the Chairman's motion that the remaining business could be concluded by 22.30, and therefore continued with Agenda Item 4(3) and Agenda Item 4(4).
71. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/02945/REG4 in respect of Francis Baily Primary School, Skillman Drive, Thatcham, West Berkshire, RG19 4GG in respect of a Proposed phased development which involves erection of a new single storey teaching block in a new location followed by the demolition of the existing single storey teaching block.
72. Mr Patrick Haran 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 of Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
73. Mr Goddard explained that the application would result in an extra 70 square metres of school building, however this would not lead to an increase in traffic.
74. In accordance with the Council's Constitution, Simon Pike, Thatcham Town Council representative, addressed the Committee on this application.

#### **Town Council Representation**

75. Mr Pike in addressing the Committee raised the following points:
  - The classrooms were desperately needed; however, the application was not in keeping with Thatcham Town Council's environmental policy.

## **EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

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

76. Members did not have any questions of clarification.

### **Member Questions to Officers**

77. The Committee heard that the extra square footage added by the application was to improve the existing facilities and not to accommodate more students.

### **Debate**

78. Councillor Cottam opened the debate by stating that the funding might not be available for the building to be environmentally friendly, but that this would see an increase in efficiency and quality for the school.

79. Councillor Pemberton argued that the environmental impact of the building would not be down to the applicant, but the lack of funding. The Councillor explained that the existing building was not fit for purpose and the school needed improvement.

80. Councillor Cottam 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 Langford.

81. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cottam, seconded by Councillor Langford, 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 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:

DRWG 0589-PL-11 Site Location Plan & Existing Block Plan recd 30.11.2022

DRWG 0589-PL-12 REVA Block Replacement Existing Floor Plans & Elevations recd 10.01.2023

DRWG 0589-PL-13 REVB Block Replacement Proposed Floor Plans, Elevations recd 10.02.2023

Construction Method Statement ref: ACA 125 Issue 4 by Quill Construction dated 12.05.2023 recd 12.05.2023

Design and Access Statement ref: 0589 by Academy Estate Consultants dated 17.05.2022 recd 30.11.2022

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

3 Sustainable Drainage: No development shall commence until details of sustainable drainage methods (SuDS) to be implemented within the site have been submitted to and approved in writing by the Local Planning Authority. The planning, design and implementation of sustainable drainage methods (SuDS) should be carried out in accordance with the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the West Berkshire Council Sustainable Drainage Supplementary Planning Document December (2018) with particular emphasis on green SuDS that provide environmental/biodiversity benefits and water re-use. Thereafter the

## **EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

development shall be carried out and maintained in accordance with the approved details.

Reason: To ensure appropriate sustainable drainage measure, in accordance with the National Planning Policy Framework, and Policy CS15 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because insufficient information accompanies the application and such measures may need to be incorporated into early building operations.

4 Arboricultural Method Statement: No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of:

- all temporary tree protection (including ground protection)
- any special construction works within any defined tree protection area.

All temporary tree protection shall be in place prior to any development works and all measures implemented for the full duration of works.

Reason: To ensure the retention and protection of trees identified at the site in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

5 Soft Landscaping: The new classroom as shown on Replacement Proposed Floor Plans, Elevations & Block Plan drawing number 0589-PL-13 received 30.11.2022 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. 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.

6 Construction Method Statement: The development hereby approved shall be carried out in accordance with the approved Construction Method Statement ref: ACA 125 Issue 4 by Quill Construction dated 12.05.2023 received 12.05.2023 and site set-up plan.

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 CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5, OVS6 and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

7 Materials: The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms. Where stated that materials shall match

## EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES

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), and Supplementary Planning Document Quality Design (June 2006).

8 Demolition: The original classroom block shown on plan named Block Replacement Existing Floor Plans & Elevations drawing number 0589-PL-12 rev A received 10.01.2023 shall be demolished and all spoil removed from the site within two months from first occupation of replacement class room shown on plan Block Replacement Proposed Floor Plans, Elevations & Block Plan drawing number 0589-PL-13 REVB received 10.02.2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the original classroom is demolished within a reasonable timescale following completion of the replacement classroom in order to prevent the overdevelopment of the site. The retention of two classroom blocks in this location would be unacceptable because the original classroom is not fit for purpose and the buildings would have an unacceptable impact on the amenities of the occupiers of both buildings. 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.

9 Implementation of One Permission: The development to which this planning permission relates shall not commence if any part of the development for which planning permission was granted by the Local Planning Authority on 07.07.2023 under application reference 22/02533/REG4 and/or pursuant to planning application reference no. 22/01273/REG4 made on 06.09.2022 has already commenced.

Reason: The implementation of both schemes together with the granted scheme would be unacceptable because retention of two classrooms in this location would be unacceptable because the buildings would have an unacceptable impact on the amenities of the occupiers of both buildings. 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.

### **(4) Application No. and Parish: 22/02533/REG4, Francis Baily Primary School**

82. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 22/02533/REG4 in respect of Francis Baily Primary School, Skillman Drive, Thatcham, West Berkshire, RG19 4GG in respect of the erection of 3 temporary teaching blocks and 3 temporary toilet blocks.

83. Mr Haran 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 of Development and Regulation be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

84. Mr Goddard had no comments on the application.

### **Member Questions to Officers**

**EASTERN AREA PLANNING COMMITTEE - 5 JULY 2023 - MINUTES**

85. Members did not have any questions of clarification.

**Debate**

86. Councillor Cottam 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 Pemberton.

87. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cottam, seconded by Councillor Pemberton, 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. Time Limit: The temporary classrooms and toilets hereby permitted shall be located on the site for a maximum period of 30 weeks from their installation after which time the use shall be discontinued and the temporary classrooms and toilets shall be removed from site. The applicant shall notify the Local Planning Authority in writing within two weeks of the installation of the temporary classrooms and toilets.

Reason: To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the permission.

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

DRWG 0589-PL-101 REVA Site Location Plan & Existing Block Plan recd 17.11.2022

DRWG 0589-PL-103 REVA Proposed Floor Plans & Elevations recd 17.11.2022

DRWG 0589-PL-104 Proposed Toilet Plans & Elevations recd 17.11.2022

DRWG 0589-PL-102 REVB Proposed Block Plan recd 03.02.2023

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

3. Deliveries: No deliveries to the site in pursuance of the development hereby approved shall take place at peak times on the highway network (between 0800-0900 and 1700- 1800) or at the start/end of the school day if staff and pupils will be on-site.

Reason: To safeguard the amenity of pupils and staff and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS 14 of the West Berkshire Core Strategy (2006- 2026) and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

*(The meeting commenced at 6.30 pm and closed at 10.20 am)*

**CHAIRMAN** .....

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



# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/01552/REG3 Stratfield Mortimer	10 <sup>th</sup> October 2023	<p>It is proposed to replace the existing permanent 18 pitch Gypsy caravan site with a new 17 permanent pitch Gypsy caravan site. Each pitch is to consist of a hard standing area large enough for two twin axle caravans, car parking for two vehicles and a 30 sq m amenity building consisting of a kitchen/dayroom, bathroom, separate WC and utility area. In addition to the amenity buildings a recycle storage facility, children play area and sewerage treatment plant are to be located within the site.</p> <p>Four Houses Corner Caravan Site, Reading Road, Upton Nervet, Reading</p> <p>West Berkshire Council</p>

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01552/REG3>

<b>Recommendation Summary:</b>	Grant planning permission
<b>Ward Member(s):</b>	Councillors Nick Carter, Geoffrey Mayes and Vicky Poole
<b>Reason for Committee Determination:</b>	The Council is the applicant and over 5 letters of objection have been received.
<b>Committee Site Visit:</b>	27 <sup>th</sup> September 2023

## Contact Officer Details

<b>Name:</b>	Michael Butler
<b>Job Title:</b>	Principal Planning Officer
<b>Tel No:</b>	01635 519111
<b>Email:</b>	Michael.Butler@westberks.gov.uk

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the creation of 17 permanent gypsy and traveller pitches with associated hardstanding, car parking spaces, day rooms, along with a sewerage treatment package plant, and an improved vehicular site access onto the Reading Road. There will also be a small children's play area. The site is presently vacant, but a number of years ago was in use. Whilst the historical permissions allowed for a greater number of pitches, at differing times the site has been occupied by 18 pitches and then 16 pitches, the latter of which is accounted for in the most recent gypsy and traveller need/supply assessments.
- 1.3 There will be 38 parking spaces in total as well, plus a small recycling/bin store area. The total internal floor area proposed is 510m<sup>2</sup> including the day rooms. The site area is 0.919ha so the application is not classified as a 'major'.
- 1.4 The application site lies just to the south of the Reading Road within the heathland common areas around Burghfield Common and Stratfield Mortimer. It is surrounded by woodland and lies in the open countryside in policy terms. A defined footpath runs to the east of the application site and the whole area lies in a biodiversity opportunity area. In addition, two local wildlife sites of Cowpond and Gibbet pieces lie to the north, whilst the local landscape character area is annotated as WH5 in the 2019 Landscape Character Analysis which is woodland and heathland mosaic.

### ***Caravans legislation***

- 1.5 Section 29(1) of the Caravan Sites and Control of Development Act 1960 (as amended) sets out that a caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. Section 13(1) of the Caravan Sites Act 1968 (as amended) defines a twin-unit caravan as a structure designed or adapted for human habitation which is, (a) composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) when assembled it is physically capable of being moved by road from one place to another. Touring caravans, static caravan and various mobile homes constitute 'caravans' under the above legislation.
- 1.6 Caravans are not normally regarded as buildings or operational development under the Planning Acts. The application proposes the redevelopment of the site comprising a use which would enable the siting of caravans on plots. For this reason, it is not necessary to provide plans of individual caravans, and in assessing this application it must be recognised that different caravans may come and go over time.

## 2. Planning History

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

<b>Application</b>	<b>Proposal</b>	<b>Decision / Date</b>
81/14988/ADD	Create 21 pitches at 4 Houses Corner	Approved 1981

80/12338/ADD	Create 20 pitches at 4 Houses Corner	Approved 1980
--------------	--------------------------------------	---------------

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Consideration has been given to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not fall within any of the categories of development listed in Schedule 1, and is therefore not automatically EIA development in this respect. Development listed in Schedule 2 of the Regulations only requires screening if it meets/exceeds the relevant threshold or is located within a 'sensitive area' as defined by the Regulations. Paragraph 10(b) relates to 'urban development projects', and Paragraph 12(e) relates to "permanent camp sites and caravan sites". Under either paragraph, the relevant threshold for EIA screening is 1 hectare. The application site measures less than 1 hectare, and it is not located within a 'sensitive area'. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was placed on the application site on 12<sup>th</sup> July 2023, with a deadline for representations of 2<sup>nd</sup> August 2023. A public notice was displayed in the Reading Chronicle on 20<sup>th</sup> July 2023.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas (in terms of S106)	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	
Local Authority Project	Yes	No	3.5

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement,

operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. 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). The CIL rooms are CIL chargeable but not the caravans.

- 3.5 **Local Authority Project:** It should be noted that the proposal is for a Local Authority project and consequently there are local financial considerations in this respect. However, such considerations are not material in this instance as they do not have any bearing on the acceptability of the proposed development in planning terms. It is recognised that such financial considerations will be relevant to other functions of the Council, but as Local Planning Authority the Planning Committee should not take these matters into account.
- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 As the proposal directly affects gypsy and travellers, particular regard is required to these objectives. The proposals will result in improved and increased accommodation on the site, and as such it is considered that the proposal has a positive effect under the Equalities Act and is consistent with the aforementioned objectives.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with

the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.

- 3.11 The proposals will result in improved and increased accommodation on the site, and as such it is considered that the proposed development would not prejudice the Human Rights of the applicant or any third party. The closest third party to the site will be a house some 120m distant from the application site.
- 3.12 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. No listed buildings are considered to be materially affected by the proposals.
- 3.13 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No conservation areas are considered to be materially affected by the proposals.

## 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>Stratfield Mortimer Parish Council:</b>	A whole range of views summarised as follows. Site in an isolated location. Some discrepancies in the design and access statement and the application form. How will the site not become de-contaminated? No objection per se from the Council.
<b>Sulhamstead Parish Council (adjacent):</b>	Nothing received at the time of writing this report.
<b>Burghfield Parish Council (adjacent):</b>	The site is not allocated in the HAS DPD and it lies in an isolated location. Does not meet the criteria for exceptions in the countryside for new homes in the HAS DPD so should be rejected. Lies in the DEPZ for AWE Burghfield so no new residents should be encouraged in this area.
<b>Highway Authority:</b>	Initially concerned that the visibility splays at the improved vehicle access were not adequate but revised plans have been submitted which note that they are acceptable. In addition the car parking provision on site is accepted. The internal access road does not require to be made up to adoptable standards. Conditional permission is now recommended.
<b>Archaeology:</b>	The ground has been considerably worked in the past so it is unlikely to be of any potential. No objections raised.

<b>Environment Delivery:</b>	Normally the Council would be looking to achieve BREEAM excellent under the remit of policy CS15 in the WBCS. However, the development is for caravans which are very difficult to measure against such energy standards. Accordingly no condition is recommended to apply this BREEAM level.
<b>Basingstoke and Deane Borough Council (adjacent):</b>	No objections raised.
<b>Emergency Planning:</b>	Whilst the site lies in the inner DEPZ for AWE Burghfield, the pitches have already been allowed for in the Council emergency evacuation plan. Accordingly no objections are raised to the proposal.
<b>Office of Nuclear Regulation:</b>	ONR have consulted with the WBDC emergency planners and have confirmed they have no objections with the condition as proposed by EP .
<b>Lead Local Flood Authority:</b>	Objection . Will not permit surface water drain off from the site onto the highway adjacent. This should be revised . Amended plans submitted to show a new drainage run to the south east of the site. Suds consulted, views awaited .

### ***Public representations***

- 4.2 Representations have been received from 13 contributors, none of which support the application, one of which is neutral, and 12 of which object to the proposal.
- 4.3 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:
- The site lies in the inner DEPZ for AWE Burghfield so the Council should not be allowing more residents in this area designation.
  - The associations of the site with the death of PC Harper
  - The site is not in a sustainable location.
  - Suggestion that the application description should make reference to 34 pitches, as they are double pitches.
  - Drainage concerns.

## **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, ADPP6, CS7, CS8, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
  - Policy TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
  - Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

- The Stratfield Mortimer Neighbourhood Development Plan (2017).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Policy for Traveler Sites (PPTS)
- WBC 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:

- The principle of development, taking into account:
  - The West Berkshire Development Plan
  - Emerging Development Plan Policies
  - National Policies
  - Need and Supply
- Highway matters
- Landscape/visual impact
- Emergency Planning and AWE
- Sustainable construction
- Drainage
- Representations

### ***West Berkshire Development Plan***

6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides a presumption in favour of sustainable development (paragraph 11), which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Conversely, paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

6.3 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP6 and CS7 of the Core Strategy, and Policy TS3 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP6) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS7 and TS3 relate to gypsy and traveller sites.

6.4 According to **Policy ADPP1**, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focused for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

- 6.5 **Policy ADPP6** is the spatial strategy for the East Kennet Valley. It states that development in the open countryside will be strictly controlled, however, it is not considered to include any points which are directly relevant to this proposed development.
- 6.6 **Policy CS7** (Gypsies, Travellers and Travelling Showpeople) is the principal development management policy for this proposed development. It reads as follows (bullet points have been replaced by letters for ease of reference) with an assessment included under each criteria:

*'To meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. The requirement for transit sites will be addressed through the same DPD.'*

*In allocating sites, and for the purpose of considering planning applications relating to sites not identified in the relevant DPD, the following criteria will need to be satisfied for sites outside settlement boundaries:*

- (a) *Safe and easy access to major roads and public transport services;*
- 6.7 The Reading Road is a local rural distributor road of good quality and capacity.
- (b) *Easy access to local services including a bus route, shops, schools and health services;*
- 6.8 Whilst the application location is some distance from Burghfield Common, the nearby settlement does have a very good range of facilities including shops, schools, churches.
- (c) *Located outside areas of high flooding risk;*
- 6.9 The application site is located in Flood Zone 1.
- (d) *Provision for adequate on site facilities for parking, storage, play and residential amenity;*
- 6.10 The proposal includes adequate on site facilities, including parking, play areas and day rooms.
- (e) *The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;*
- 6.11 The application site is some distance from the closest settlement, but does not change the existing situation.
- (f) *Opportunities for an element of authorised mixed uses;*
- 6.12 No mixed uses are proposed, but this is not objectionable.
- (g) *The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;*
- 6.13 The site is well screened and there are no sensitive adjoining land uses which might be affected by the scheme.
- (h) *Will not materially harm the physical and visual character of the area;*



*(i) Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.'*

6.14 (h) and (i) are assessed below.

6.15 To give clarity on the supporting information expected from development proposals a detailed planning considerations policy is included within the Housing Site Allocations DPD. **Policy TS3** (Detailed Planning Considerations for Travellers Sites) reads as follows (bullet points have been replaced by letters for ease of reference):

*'Proposals for development will be expected to comply with policies within the West Berkshire Development Plan and have regard to guidance outlined in the Government's good practice guide on Designing Gypsy and Traveller Sites where appropriate. In addition proposals will:*

*(a) Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).*

6.16 This has been achieved as set out in the drainage section below.

*(b) Incorporate appropriate vehicle access and turning space.*

6.17 Acceptable access and turning space is available.

*(c) Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.*

6.18 The site will be contained by a 2.4m high green wire mesh fencing and in parts 1.8m high close boarded fencing for security. Whilst not immediately attractive it needs to be considered in the light of the surrounding dense woodland on the plateau.

*(d) Be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose.*

6.19 The submitted block plan shows a range of permanent day rooms which comply with the criterion, and the highways officer has accepted the internal layout as has your case officer as being a satisfactory design solution to the present site boundaries. The circular layout is efficient and effective, and closely mimics former best practice guidance. The proposed play space is a welcome addition.

*(e) Provide a mix of residential and business use where appropriate.*

6.20 This is not proposed here, but this not objectionable given the density of development.

*(f) Provide a Flood Risk Assessment in accordance with Policy CS16 of the adopted Core Strategy.*

*(g) Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).*

6.21 Whilst the site is in Flood Zone 1 and less than 1ha in area, a FRA has been submitted due to historical flooding issues. Drainage matters are covered below.

- (h) *Include measures to improve accessibility by, and encourage use of, non-car transport modes. These measures should be set out in a Travel Plan for the site.*
- 6.22 Given the existing established use of the site, the proposal has a neutral impact in terms of accessibility.
- (i) *Identify internal walking routes and show how they will be linked to existing routes including the Public Rights of Way network. They will also take advantage of the landscape features of value within the site. Opportunities to improve external routes to services and facilities will be sought.*
- 6.23 There are none on site but a footpath runs nearby to the east which could easily be used by the occupants of the site.
- (j) *Identify measures to be provided to mitigate the impact of development on the local road network as identified by a site specific Transport Assessment or Transport Statement.*
- 6.24 It is appreciated that the site has been vacant for some 4 years. Notwithstanding, the lawful use of the site means that any additional impact on the local highway network is negligible.
- (k) *Identify appropriate green space/green infrastructure in line with the Council's adopted standards as set out in Policy RL1 of the Local Plan 1991 - 2006 (Saved Policies 2007).*
- 6.25 The proposed play spaces within the layout are an improvement on the previous layout.
- (l) *Provide necessary infrastructure to meet the needs that arise from the development as a whole, in accordance with both the most up to date Infrastructure Delivery Plan (IDP) and through conformity with the appropriate standards.*
- 6.26 No site specific infrastructure has been identified. CIL may be chargeable on the dayrooms.
- (m) *Provide a Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual impact Assessment 3rd ed. 2013. This will inform the development design and layout of the site and requirements for green infrastructure.*
- 6.27 This is not considered necessary in this case because the site is already present and authorised for the use sought, and the site is very well screened by the surrounding woodland
- (n) *Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.*
- (o) *Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.*
- 6.28 Given the site is of low ecological value due to its recent planning history, this is not considered to be necessary.

*(p) Provide a design, layout and siting plan for the development.'*

- 6.29 The criterion has been met.
- 6.30 Overall, the requirements of Policy TS3 are detailed to address all potential considerations that may relate to new and existing sites. The assessment of the scheme, and this information submitted with the application, is considered to be proportionate to the existing authorised use of the site.

### ***Emerging Policies***

- 6.31 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.32 The current development plan period runs up to 2026. The Council is in the process of reviewing its Local Plan to cover the period up to 2039. A Regulation 19 consultation on the emerging draft plan has taken place, and the plan submitted for Examination in Public by the Planning Inspectorate. The draft plan includes Policy DM20 (Gypsies, Travellers and Travelling Showpeople), which would replace and consolidate Policies CS7 and TS3. Whilst emerging Policy DM20 attracts only limited weight at this stage, it should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward. The policy also seeks to safeguard existing gypsy and traveller sites, and locate sites on previously developed land where possible. It states:

*'Existing authorised sites for Gypsy, Traveller and Travelling Showpeople will be safeguarded for use by Gypsy and Travellers and Travelling Showpeople, unless acceptable replacement accommodation/pitches/plots can be provided. This is to ensure there remains a good supply of pitches and plots in the district.'*

### ***National planning policy***

- 6.33 The National Planning Policy Framework (NPPF) at paragraph 62 states 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including travellers). A footnote in the NPPF then states 'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document'.
- 6.34 The DCLG publication Planning Policy for Traveller Sites (PPTS) (August 2015) sets out the Government's planning policy for traveller sites, which should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- 6.35 According to paragraph 24 of the PPTS, local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) The existing level of local provision and need for sites

- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections

6.36 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

6.37 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

6.38 All of the points above are examined under relevant section heading below, where relevant to the proposed development.

### ***Local need and supply***

6.39 According to the PPTS, the local planning authority should consider the existing level of local provision and need for sites. The Council has a legal duty to plan for adequate accommodation for the Gypsy and Traveller community.

6.40 The Council has a Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2014 in accordance with the GTAA practice guidance applicable at that time. This was used to inform the pitch target and policy in the HSA DPD. This GTAA has been updated, particularly as it predated the change to the definition of 'traveller' in the revised PPTS in August 2015.

6.41 The GTAA 2021 provides an update to the 2019 version, to understand an updated 5 year supply position. The GTAA identifies a 'cultural' need and a 'PPTS' need. An overall 'cultural' need for pitches looks at the overall need for the Travelling community and takes into account the Human Rights Act 1998, the Equalities Act 2010 and the Housing and Planning Act 2016 section 124. A PPTS filter is then applied to identify the level of need associated with those households meeting the definitions set out in the PPTS Annex 1. The needs arising from the PPTS analysis establishes the level of need under which a 5 year land supply is assessed. The *Lisa Smith* Court of Appeal judgement found that the Government's definition of 'traveller' as outlined in the PPTS

was discriminatory, and reinforces why the Council needs to take into account all needs, as is done through the cultural needs assessment of the Council's GTAA.

- 6.42 The GTAA indicates that there is an identified need for a total of 60 pitches up to 2025/26, when reviewing the 5 year short term need. At the time that the GTAA was published 45 had already been accommodated. It is important to note that of the 45 this includes the Four Houses Corner site comprising 16 pitches.
- 6.43 The GTAA also examines need between 2021/22 and 2037/38. The following table examines the residual need, which takes into account recent permissions and the additional pitch hereby proposed at Four Houses Corner. This still leaves a need for 3 pitches in the short term, and 17 pitches in the longer term (20 in total).

<b>Table Addressing Gypsy and Traveller pitch need updated</b>		
<b>West Berkshire</b>	<b>Cultural need</b>	<b>Of which PPTS NEED</b>
<b>5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)</b>	<b>13</b>	<b>9</b>
<u>Supply: Additional residential pitches (B1) – Paices Hill transit to residential</u>	<u>8</u>	<u>8</u>
<u>Supply: Additional residential pitches (B2) – Additional pitch at Four Houses Corner</u>	<u>1</u>	<u>1</u>
<u>Supply: Additional residential pitches (B3) – Additional pitch at Ermin Street, Lambourn Woodlands</u>	<u>1</u>	<u>1</u>
<b>Residual need 2021/22 to 2025/26 with additional residential pitches included in supply (C) = A-B1-B2-B3</b>	<b>3</b>	<b>-1</b>
<b>Longer-term need 2026/27 to 2037/38 (D)</b>	<b>17</b>	<b>11</b>
<b>Residual need 2021/22 to 2037/38 with additional residential pitches included in supply (E) = C+D</b>	<b>20</b>	<b>10</b>

- 6.44 There are no new site allocations proposed in the emerging Local Plan Review, but the existing allocated site at Paices Hill is proposed to remain as a continuing allocation. Planning permission was granted in September 2022 for the change of use of 8 transit pitches to 8 permanent pitches at the Paices Hill site.
- 6.45 The Planning Inspector for the Lawrences Lane, Thatcham appeal, noted that the need for the District was not large and was satisfied that there were plans to address the need, in the form of a Gypsy and Traveller Accommodation Development Plan Document to follow the Local Plan Review.
- 6.46 Should the redevelopment of Four Houses Corner not go ahead, the Council could no longer demonstrate a 5 year housing land supply, would add a large number to the required need, may mean a new Council site be required, and/or planning permission may be granted at the application or appeal stage for sites which may not be less suitable. Accordingly, it is the clear officer view that given the application site already has an extant planning use for 18 pitches (the use has not been abandoned, merely vacant) it is a suitable site in principle.
- 6.47 Overall, the above demonstrates the importance of redeveloping the Four Houses Corner site to maintain an adequate supply in both the short and long term. The proposal increases the number of pitches by 1, from 16 to 17, which is welcome in the context of the identified need, and it is good practice to make efficient use of land where possible.

### ***Assessment of principle of development***

- 6.48 The proposed development is considered to comply with the aforementioned policies of the West Berkshire Development Plan, the emerging policies in the Local Plan Review, and the relevant national policies. The retention of existing sites is specifically identified as necessary by the emerging policies, in recognition of the need and supply set out above. Four Houses Corner is to make a significant contribution to supply in the short and long term.
- 6.49 The proposal is for the redevelopment of an established site, rather than the creation of a new site. It therefore makes good use of previously developed brownfield land, and does not conflict with national policies regarding the location of new sites in the countryside. Many of the fundamental policy considerations are therefore also addressed or not engaged.

### ***Highway Matters***

- 6.50 Policy CS13 in the Core Strategy is the principal policy against which the application needs to be addressed. The highways officer has carefully examined the proposal in the light of this policy and has concluded that conditional permission is appropriate based on the following:
- a) The internal layout is accepted as is the parking provision including 4 visitor spaces.
  - b) The proposed forward visibility splays in both directions at 2.4m by 215m is accepted as the local speed limit is 60mph on the Reading Road adjacent.
  - c) The traffic generation issue is not a matter with which the Local Highways Authority is concerned, given the existing use of the site and the local road is a principal distributor road in the local network.
- 6.51 Accordingly the advice in policy CS13 is met.

### ***Landscape and Visual Impact***

- 6.52 The application site lies in the WH5 designation in the West Berkshire Landscape Character Assessment of 2019. This corresponds to the Burghfield Woodland mosaic on a gravel plateau. The principal features of this area is land significantly covered by woodland with limited public access but dominated by a high level of urban development; for example AWE Aldermaston to the west and Burghfield Common to the east. Otherwise the level of overall development is limited.
- 6.53 Four Houses Corner comprises one such minor enclave of built form, and as mentioned above is very well screened from longer and shorter distance views by the woodland. The introduction of the mesh fence will enhance the immediate locality from the existing situation, since the security boarding around the site is currently unattractive and will be replaced. This new fencing will permit a greater degree of intervisibility across the site which will improve the locality.
- 6.54 The height of the new buildings will be limited to single storey only, the day rooms being circa 5.5m to ridge and the caravans typically being no more than 3.5 m in height. This will help to reduce any localised visual impact. Having regard policy CS19 in the Core Strategy, which encourages new development not to be harmful visually or indeed harm the local landscape itself, your officers consider that the level of impact will be minimal and so acceptable under the remit of policy CS19. It is also important

to note that no special landscape designation washes over the application site, such as AONB.

### ***Emergency Planning and AWE.***

- 6.55 Policy CS8 in the Core Strategy identifies the need for the local planning authority to take into account new development within defined land use planning consultation zones surrounding both the AWE Aldermaston and Burghfield. The application site lies in the DEPZ (Detailed Emergency Planning Zone)] for the latter site where development is normally restricted where it materially increases the local resident population, as this would place additional burdens on the response of the emergency services during any incident. However the Emergency Planning Service is not objecting to the application given the existing use, and because the future occupation of the site has already been allowed for in the Council's Off-Site Emergency Plan. Accordingly, on the basis of this, the Office for Nuclear Regulation have not objected to the proposal. The scheme accordingly complies with policy CS8.

### ***Sustainable construction***

- 6.56 The zero carbon requirements in Policy CS15 of the Core Strategy do not apply as the proposal is not a major development. No objections have been received from the Council's Environment Delivery Team.

### ***Drainage***

- 6.57 The Flood Risk Assessment identifies a low risk of fluvial, artificial and sewer flood sources, a very low risk of surface water flooding, but a medium to high risk of groundwater flooding. A surface water drainage strategy has been provided to demonstrate that surface water runoff arising from the development can be sustainably managed and result in an improvement on the past situation.
- 6.58 Amended plans have been received to show a new outfall run to the south-east, which addressed the Council's Drainage Officers initial concerns with the proposal.

### ***Public representations***

- 6.59 The public representations have been summarised in this report. Those which relate to material planning considerations have been taken into account in arriving at the recommendation, and the main determinative issues have been assessed above. It should be noted that a significant number of points made do not relate to relevant material planning considerations.

### ***Parish Council representations***

- 6.60 Firstly in relation to the land contamination issue Environmental Health have been consulted on the application and their views are awaited. Secondly in relation to the fact that the application is suggested as not complying with the exceptions for new housing in the countryside, there are specific policies relating to gypsy and traveller development against which this application has been assessed. Finally the DEPZ issue has been commented on above.

## 7. Planning Balance and Conclusion

- 7.1 The application before Committee has much to commend it, as follows. Firstly it will form the effective re-use of a currently unattractive site. Secondly, the site makes a significant contribution to the supply of gypsy and traveller sites to meet the locally identified need. Thirdly, it is well conceived in technical terms having adequate access, drainage and good layout plans including a child's play area. Fourthly it has no material ecological implications and any additional visual impact will be minimal. It is acceptable accordingly in policy terms as well.
- 7.2 The one unsatisfactory aspect of the proposal is its location since it is a relatively isolated outlier in the rural area, and the associated implications for sustainable travel. However, recognising that this is an established site, the constraints of the location are considered to be outweighed by the benefits of proposal.
- 7.3 The application is recommended for conditional approval.

## 8. Full Recommendation

- 8.1 To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: All E1511-GSA-XX-DR: A-000, [01 and 02], A-403, A-401, A-402, A-102, A-103, A-104, A-105, A-110, A-120 and A-053-05, and A-052-06.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>AWE Emergency Plan</b></p> <p>No development shall take place until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall provide policies and procedures for the preparedness and response to an incident at AWE Aldermaston/Burghfield during both the construction and occupation of the development. Thereafter, the premises shall not be operated without the implementation of the approved Emergency Plan, or an approved revision.</p> <p>The plan shall be kept up-to-date, and relevant to the occupant at all times. An amended version of the plan may be submitted to the Local Planning Authority for approval pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; in which case the amended plan shall be submitted to the Local Planning Authority for approval within 1 month of notice being given.</p>



	<p>Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Aldermaston/Burghfield, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.</p> <p>Note: For queries relating to the content of the site-specific Emergency Plan, please contact the Joint Emergency Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD. Tel: 01635 503535, Email: emergencyplanning@westberks.gov.uk. Please quote the application reference.</p>
4.	<p><b>Footway</b></p> <p>The development shall not be brought into use until the footway to be constructed fronting the site has been constructed in accordance with the approved drawings and any statutory undertaker's equipment or street furniture located in the position of this footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.</p> <p>Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
5.	<p><b>Visibility splays</b></p> <p>The development shall not be brought into use until the visibility splays at the access have been provided in accordance with drawing number E1511-GSA-XX-DR -A-052 Rev06. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.</p> <p>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).</p>
6.	<p><b>Parking</b></p> <p>The site shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.</p> <p>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).</p>
7.	<p><b>Access construction</b></p> <p>The development shall not be brought into use until the access has been constructed in accordance with the approved drawings.</p> <p>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).</p>

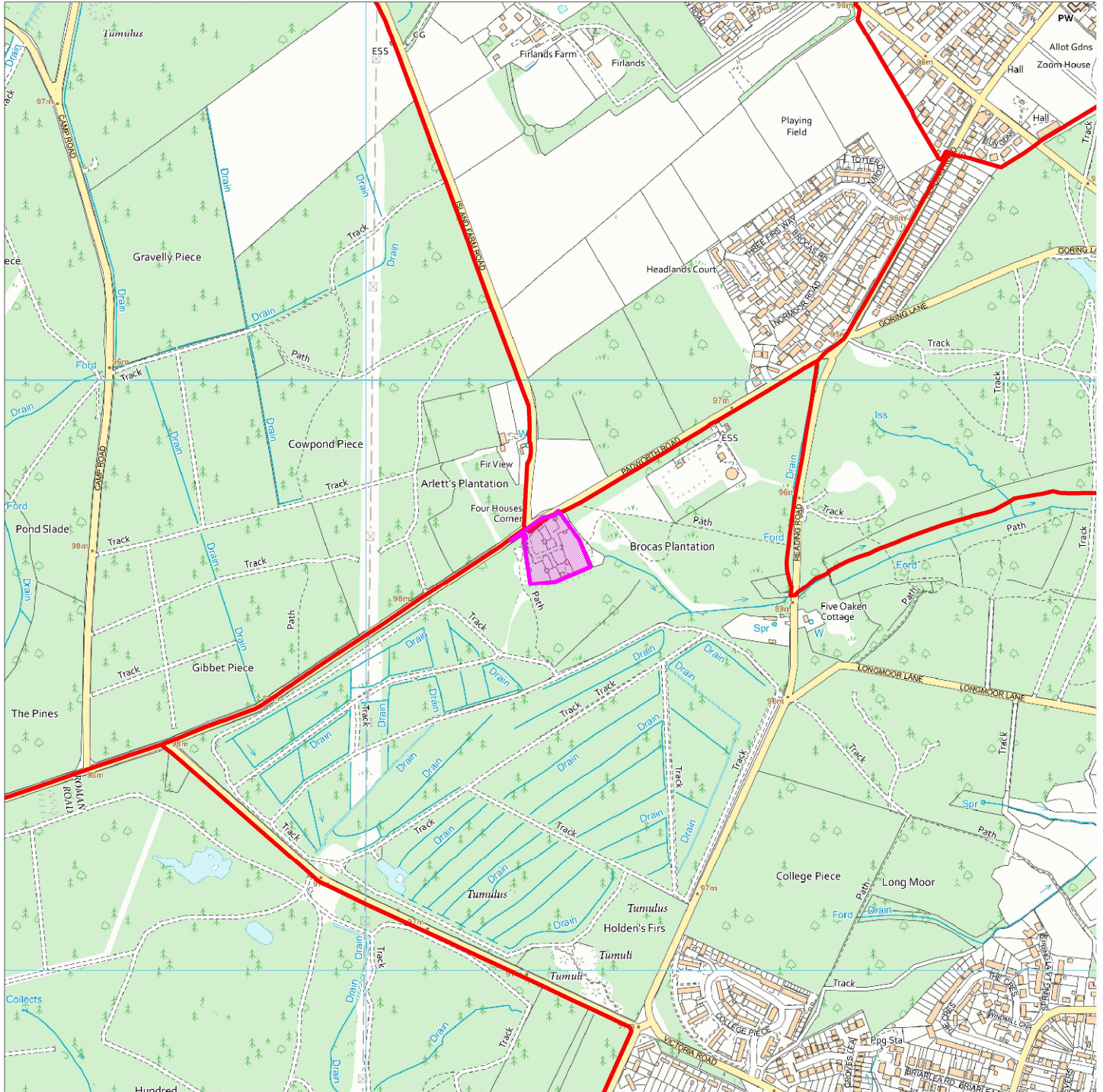
8.	<p><b>Cycle parking/storage (prior approval before occupation)</b></p> <p>The development shall not be brought into use until cycle parking/storage facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>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).</p>
9.	<p><b>Maximum pitches</b></p> <p>At no time shall no more than 17 pitches be provided on the application site.</p> <p>Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>
10.	<p><b>Occupation restriction</b></p> <p>The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers.</p> <p>Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and maintain a supply of pitches.</p>
11.	<p><b>Day rooms</b></p> <p>The dayrooms hereby permitted shall only be used for purposes ancillary and/or incidental to the pitches upon which they are sited.</p> <p>Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

### **Informatives**

1.	<p><b>Statement under Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015</b></p> <p>The Council seeks to work with applicants in positive and proactive manner, where possible seeking solutions to problems arising in relation to dealing with a planning application. In accordance with the National Planning Policy Framework, the Council offers a pre-application advice service so that potential issues can be identified and addressed prior to submission. The Council will also negotiate improvements to submitted applications in line with its published strategy (<a href="https://www.westberks.gov.uk/planning-application-process#Negotiations%20and%20amendments">https://www.westberks.gov.uk/planning-application-process#Negotiations%20and%20amendments</a>). In this instance, this approach has resulted in the grant of planning permission.</p>
2.	<p>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</p>

	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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a>
--	---

This page is intentionally left blank



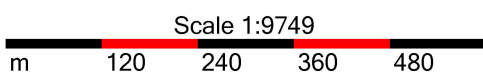
Map Centre Coordinates :

Scale : 1:9748

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	21 September 2023
<b>SLA Number</b>	0100024151



This page is intentionally left blank

# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	23/00879/FUL Stratfield Mortimer	22 <sup>nd</sup> June 2023	Relocation of the approved commercial kitchen extractor vent  6A Victoria Road, Mortimer Common  Mr Fetdah Cura

<sup>1</sup> Extension of time agreed with applicant until 6<sup>th</sup> October 2023

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/00879/FUL>

**Recommendation Summary:** Grant planning permission

**Ward Member(s):** Councillors Nick Carter, Geoffrey Mayes and Vicky Poole

**Reason for Committee Determination:** Called in by Cllr Nick Carter on the grounds of environmental requirements.

**Committee Site Visit:** 27<sup>th</sup> September 2023

#### Contact Officer Details

**Name:** Lewis Richards  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** Lewis.Richards1@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for the relocation of the previously approved kitchen extractor vent.
- 1.2 6A Victoria Road is a Class E (commercial, business and service uses) unit (former Class A3 – café/restaurant, prior to changes to the use classes). It is currently operating as a café. It is situated within a largely residential area, and opposite a neighbourhood convenience shop/post office.
- 1.3 The proposal involves the alteration of the kitchen extract ductwork run, and the implementation of a commercial extract fan. The run is proposed to be lengthened vertically, enabling the existing discharge point from c.2200mm above ground level, adjacent to the neighbouring properties, 4 Victoria Road and 5A West End Road, to be relocated to a new position of c.6950mm above ground level, facing away from the same neighbouring property. The extracted air is now proposed to be discharged vertically via a flue as opposed to horizontally via a louvre as present.

## 2. Planning History

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

Application	Proposal	Decision / Date
22/01026/FULD	S73 Application for variation of Conditions (1) - Approved plans and (4) - Odour and noise of approved application 19/00264/FULD: S73A. Application for variation of Conditions (2) - Approved plans, (3) - Materials, (4) - Sound insulation, (5) - Odour and noise and (10) - Parking and turning of approved application 17/02144/FULD	Approved / 30/06/2022
19/00264/FULD	S73a. Application for removal/variation of Conditions (2) - Approved plans, (3) - Materials, (4) - Sound insulation, (5) - Odour and noise and (10) - Parking and turning of approved application 17/02144/FULD - Refurbishment and re-cladding of existing building, new pitched roof to second floor to create an apartment on first floor and second floor (C3), partial retention of office space on first floor (B1) and change of use of ground floor to Class A3.	Approved / 26/03/2019
17/02144/FULD	Refurbishment and re-cladding of existing building, new pitched roof to second floor to create an apartment on first floor and second floor (C3), partial retention of office space on first floor (B1) and change of use of ground floor to class A3.	Approved / 07/12/2017
14/00043/FUL	Change of use from office (B1) to Hairdresser (A1) for office 1 of a first floor suite of 5 offices.	Not Required / 12/02/2014



11/02261/FUL	Removal of the existing shopfront and replacing it with a new one with DDA compliant automatic door and electric shutter	Approved / 09/01/2012
10/01065/FUL	Temporary change of use to a contractors office for 18 months	Approved / 29/07/2010

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (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:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on the 9<sup>th</sup> May at the front of the café, with a deadline for representations of the 31<sup>st</sup> May.
- 3.3 **Local Financial Considerations:** No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** Given that no new floorspace is proposed, the development is not considered CIL chargeable.

### 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>Stratfield Mortimer Parish Council:</b>	At a meeting on 30th May 2023, the Planning Committee of Stratfield Mortimer Parish Council considered planning application 23/00879/FUL under agenda item 23/007.  The Committee had no objections to the relocation of the extractor vent, however, it noted the comments from Environmental Health (dated 10th May 2023) and would support their consultation response to the Case Officer. The Committee would look to West Berkshire Council to ensure that both the environmental issue of odours are addressed and any subsequent nuisance caused in the locality is removed.
<b>WBC Highways:</b>	No objections
<b>Environmental Health</b>	<b>10<sup>th</sup> May 2023:</b> Support, subject to further information being submitted relating to the control of odours, the cleaning and maintenance of the equipment, and confirmation if the second-

	<p>floor accommodation was built as per approved plans of permission 17/02144/FULD.</p> <p><b>7<sup>th</sup> June 2023:</b> Information submitted by applicant to address the points above. Recommend conditional approval.</p>
--	---

### ***Public representations***

4.2 Representations have been received from 1 contributor, who objects to the proposal.

4.3 The full response 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:

- (1) The addition of a flue would be unsightly.
- (2) Odours emanating from the application site are offensive to the surrounding area, and there are concerns that the odours would be caught in winds, meaning there would be no improvement on the existing situation.
- (3) The premises is now open 7 days a week as opposed to 6 when it first opened, and that there are plans to obtain an alcohol license and extend the opening hours to 21:30.
- (4) There are lorries blocking pavements with deliveries and cars parking on double yellow lines, causing a hazard to pedestrians.

## **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 (Spatial Strategy), ADPP6 (East Kennet Valley), CS13 (Transport), CS14 (Design Principles) and CS19 (Historic Environment and Landscape Character) of the West Berkshire Core Strategy (2006-2026).
- Policies OVS5 (Environmental Nuisance and Pollution Control) and OVS6 (Noise Pollution) of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies C4 and C7 of the Stratfield Mortimer Neighbourhood Development Plan (2017).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Stratfield Mortimer Village Design Statement (2007)

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity, particularly issues relating to environmental health
- Highways matters

### ***Principle of development***

- 6.2 The application site is located within the settlement boundary of Mortimer. Policy ADPP1 of the West Berkshire Core Strategy identifies Mortimer as a rural service centre, where appropriate development can provide an opportunity to strengthen the role in meeting the requirements of the surrounding communities. Policy ADPP6 provides the spatial strategy for the East Kennet Valley, which advises that Mortimer is one of the locations within the area that are to be the focus of development.
- 6.3 Policy C4 of the Stratfield Mortimer NDP supports the expansion of existing local services, subject to the business not adversely affecting the locality and the amenities of local residents. Policy C7 similarly supports employment and commercial activity, subject to criteria including retaining and respecting any architectural features of the building and the amenities of local residents.
- 6.4 It is therefore considered that the principle of this development would be acceptable, and compliant with Policies ADPP1 and ADPP6 of the West Berkshire Core Strategy (2006-2026), subject to the proposal meeting the other detailed requirements set out below.

### ***Character and appearance***

- 6.5 Policies CS14 and CS19 relate to design and impacts on the character and appearance of the area.
- 6.6 Referring to point (1) of the summary of public representations, the proposed flue and externally facing ductwork are proposed to be light grey steel to match the colour of the existing cladding. This will also be a similar colour to the existing drainage downpipes. They will have a similar visual impact to the existing external pipework. Therefore, the appearance of the flue is considered comparable to a drainage downpipe, commonplace in the primarily residential area.
- 6.7 It is therefore considered that the proposal complies with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy, with regards to the effect of the proposal on the design, character and appearance of the area.

### ***Neighbouring Amenity***

- 6.8 The NPPF states that planning should create places with a high standard of amenity for all existing and future users. Policy CS14 states that development should make a positive contribution to quality of life. As such amenity is an important consideration.
- 6.9 The assessment considered the impact on neighbouring amenity in terms of;
- Sunlight / daylight
  - Overlooking / privacy
  - Overbearing impact
  - Noise and disturbance

- 6.10 Policy C7 of the Stratfield Mortimer Neighbourhood Development Plan (2017) encourages development that does not adversely affect the locality and amenities of the local residents.
- 6.11 According to Policy OVS.5, the Council will only permit development proposals where they do not give rise to an unacceptable pollution of the environment. In order to minimise the adverse impact on the environment or loss of amenity proposals should have regard to:
- (a) the need to ensure the adequate storage and disposal of waste materials; and
  - (b) the installation of equipment to minimise the harmful effects of emissions; and
  - (c) the hours, days or seasons of operations; and
  - (d) locating potential nuisance or pollution activities onto the least sensitive parts of the site or where the impacts can be best contained by physical or other appropriate measures.
- 6.12 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.
- 6.13 The proposal has been assessed against the above metrics.
- 6.14 Due to the nature of the proposal, there is not considered to be any impact with regards to sunlight, overlooking or overbearing. The comments received from the public consultation relating to disturbance (or odour in this instance) have been noted and are addressed in paragraphs 6.15 and 6.18 below.
- 6.15 Referring to point (2) of the summary of public representations, as advised by the Environmental Health officer, the source of the odour emanating from the premises appeared to be due to the fact that equipment required as part of planning permission 22/01026/FULD, namely the Carbon and Fine Grease filters, had not been installed. During the course of the application this has been installed and the Environmental Health officer noted a reduction in correspondence from previous complainants.
- 6.16 The proposed works would further ameliorate the situation, going above and beyond the mitigation required as part of the previous planning permission. Locating the flue above roof level, which is considered best practice according to the Emissions Monitoring Air Quality (EMAQ) guidance 'Control of Odour and Noise from Commercial Kitchen Extraction Systems (2022),' will result in the air being discharged from a much higher point, further reducing the impact on the locality.
- 6.17 As advised by the Environmental Health officer, a schedule of maintenance has been submitted by the applicant, in line with EMAQ guidance, which will also ensure the impact on the locality is minimised. A condition has been requested ensuring that this regime is followed. Section 5 of the EMAQ guidance is particularly pertinent to this application, and Paragraph 5.1.2 gives an indication of the industry standard cleaning routine to be adhered to. This forms the basis of the recommended condition.
- 6.18 Referring to point (3) of the summary of public representations, the issues relating to the alcohol license and extended opening hours are not material planning considerations, and have been addressed by the Licensing department of the Public Protection Partnership, where a license to supply alcohol between the hours of 11:00 and 21:30 was granted subject to conditions on 27<sup>th</sup> July 2023. Nonetheless, Condition 7 of planning permission 17/02144/FULD, and reinforced by Condition 6 of planning permission 22/01026/FULD, both state:

*The A3 use hereby permitted shall not be open to customers outside the following hours, 07:30- 23:00 on any day.*

*Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).*

This means that purely from a planning perspective, extending the opening hours to 21:30 as referenced in the public representations would not be in breach of the previous planning conditions. It is recommended the condition also be applied to this proposal for consistency.

- 6.19 With regards to potential impacts relating to noise propagation, the Environmental Health officer noted that extraction systems such as that proposed are capable of generating noise if not sufficiently attenuated. They are satisfied that the proposed plans indicate that all bolt connections on the flue will be mounted with anti-vibration rubber to dampen vibration and noise. A condition is requested by the Environmental Health officer relating to the attenuation measures, and that they should be implemented in line with the submitted plans. The extraction unit itself is potentially a large source of noise and nuisance. To remedy this, the unit is to be fitted inside the premises, which will limit the impact on the locality.
- 6.20 The flue itself can amplify noise, particularly if regular cleaning is not undertaken. Providing the aforementioned schedule of maintenance agreed by the applicant is undertaken, the extract air velocities will be sufficiently low to ensure there is no noticeable noise, and sufficiently high to maintain negative pressurisation within the kitchen itself to allow for the optimum operation of the system. As an informative, it is also important that the equipment is cleaned regularly, in line with the advice of the Environmental Health Officer and EMAQ guidance, as failure to do so can present a fire risk and raises hygiene concerns.
- 6.21 It should be noted that if the equipment was not operated in an appropriate way, such that it caused a statutory nuisance to local residents, then Environmental Health have separate powers under the Environmental Protection Act 1990.
- 6.22 The second-floor area of the flat is not currently built out, and so there is currently no impact on this area. However, Environmental Health have advised that the situation could be further improved in relation to any future use of the third floor, by relocating the flue. The works hereby proposed are an improvement on the current situation, which is in accordance with the existing planning permission. Given that this is going above and beyond what is required by the conditions for the mixed-use building, further changes cannot be insisted upon under this application.
- 6.23 The proposed flue is located close to the neighbouring properties, 4 Victoria Road and 5A West End Road, so it is important to emphasise that the whole of the proposal must be contained within the curtilage as shown on the plans.
- 6.24 It is therefore considered that the proposal is an improvement on the existing scenario, and is in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### ***Highway Matters***

- 6.25 Policy CS13 of the West Berkshire Core Strategy relates to the need for development to promote safe travel and ensure adequate parking provision.

- 6.26 This proposal will have no impact on the existing situation with regards to parking. Furthermore, the Highways Authority were consulted as part of this application and have raised no objection to the proposed development, and the potential impact on parking provisions.
- 6.27 Referring to point (4) of the summary of public representations, the addition of a flue will not exacerbate the number of deliveries received, which is supported by the Highways Authority raising no objection to the proposal.
- 6.28 The proposal is therefore considered to comply with Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### ***Parish Council Representations***

- 6.29 The comment from Stratfield Mortimer Parish Council with regards to ensuring the environmental issues are addressed and removing the nuisance to the locality is considered to have been resolved by the applicant liaising with the Environmental Health Officer, and agreeing to install carbon and fine grease filters, as well as providing a schedule of maintenance.

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

- 7.1 Given the above, it is considered that the proposal is in accordance with the provisions of the National Planning Policy Framework (2023), Policies ADPP1, ADPP6, CS13, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies OVS.5 and OVS.6 of the West Berkshire District Council Local Plan Saved Policies 2007 and Policies C4 and C7 of the Stratfield Mortimer Neighbourhood Development Plan (2017), subject to various conditions, including those requested by the Environmental Health officer. The application is recommended for conditional approval.

## **8. Full Recommendation**

- 8.1 To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

### ***Conditions***

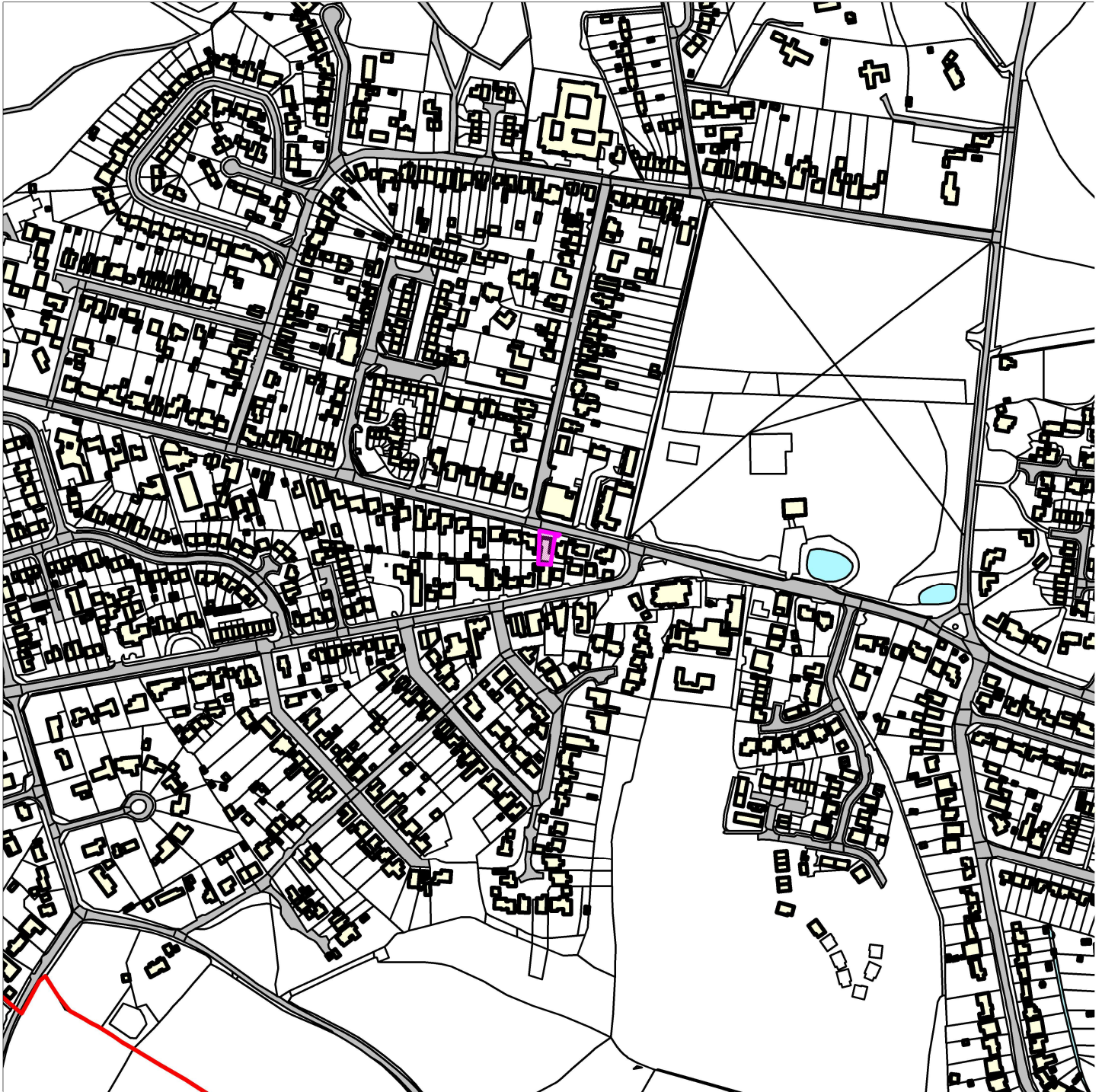
1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Site Location Plan received on 26/04/2023  220930-AE100 – Approved Site Block Plan received on 26/04/2023  220930-AP101 – Proposed Floor Plan received on 26/04/2023  220930-AP201 – Amended Proposed Elevation received on 20/09/2023  220930-AP202 – Amended Proposed Elevation received on 20/09/2023  220930-AP903 – Kitchen Extractor Detail received on 26/04/2023</p>

	Reason: For the avoidance of doubt and in the interest of proper planning.
3.	<p><b>Materials</b></p> <p>The materials to be used in the development hereby permitted shall be as specified on the proposed elevation plans. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>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 (2023), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy GD5 of the Stratfield Mortimer Neighbourhood Development Plan 2017, Supplementary Planning Document Quality Design (June 2006), and the Town/Village Design Statement for Stratfield Mortimer 2007.</p>
4.	<p><b>Hours of Work</b></p> <p>The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to: 7:30 am. to 6:00 pm. on Mondays to Fridays, 8:30 am. to 1:00 pm. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2023), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS4 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
5.	<p><b>Hours of Opening</b></p> <p>The commercial use (Use Class E) shall not be open to customers outside the following hours, 07:30- 23:00 on any day.</p> <p>Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2023), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
6.	<p><b>Equipment and Maintenance</b></p> <p>The development hereby approved shall not be brought into use until the fume extraction and filtration equipment have been installed at the premises in accordance with submitted Drawing No. AP903 'Kitchen Extractor Details' dated 30/09/2022 by Studio Noi and in accordance with the details submitted in emails from Fetdah Cura to Erica Myers dated 4 July 2023 (14:27) and 5 July 2023 (13:51). The equipment shall thereafter be retained, operated and maintained in its approved form and in accordance with the manufacturer's recommendations for so long as the use hereby permitted remains on site.</p> <p>Reason: To ensure that no nuisance or disturbance is caused to the occupiers of neighbouring properties. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>

## ***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.
----	--





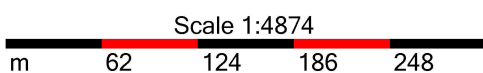
Map Centre Coordinates :

Scale : 1:4874

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	21 September 2023
<b>SLA Number</b>	0100024151



This page is intentionally left blank

# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	22/01953/FULD Bradfield	10 <sup>th</sup> October 2022 <sup>1</sup>	Revised application for demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage  Reservoir (covered), Bishops Road, Tutts Clump, Reading  Mr Tony Swales

<sup>1</sup> Extension of time agreed with applicant until 13<sup>th</sup> October 2023

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01953/FULD>

**Recommendation Summary:** Refuse planning permission

**Ward Member(s):** Councillor Ross Mackinnon

**Reason for Committee Determination:** Called into committee by Councillor Ross Mackinnon if Officer's recommendation is for refusal. To provide committee an opportunity to discuss whether the proposal complies with the criteria for the exception of residential infill outside of a settlement boundary.

**Committee Site Visit:** 27<sup>th</sup> September 2023

## Contact Officer Details

**Name:** Gemma Kirk  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Gemma.Kirk@westberks.gov.uk

## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the removal of the existing infrastructure at the pumping station and covered reservoir and to replace with a 5-bed detached dwelling with integral garage. This application is a revision of 22/00697/FULD.
- 1.3 The application site is located in Tutts Clump, a settlement without a defined settlement boundary, within the North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB). The site is positioned on the corner of Bishops Road and Cock Lane. To the north there are dwellings extending along Bishops Road. Positioned on the corner of Cock Lane and Bishops Road is a single Oak tree protected by a Tree Preservation Order (TPO)- 201/21/1011 - T1 – OAK.
- 1.4 The site comprises if a mixture of hard and soft landscaping that forms the covered reservoir and water pumping station. The reservoir appears as a large grass covered mound centrally within the site with two associated buildings to the east (the canopy is removed from one of the buildings). It is acknowledged that these buildings are in a dilapidated condition. To the rear (west) of the site is a Group TPO (201/21/1011 - G1 – OAK). Notwithstanding, the chain link fence and vegetation on the boundaries the site is both visible from both Cock Lane and Bishops Road.
- 1.5 The proposal will remove the existing infrastructure on the site to accommodate the proposed dwelling. The proposed 5-bed dwelling is comprised of three main forms the two storey dwelling (with bedroom in loft space), the attached 1.5 storey garage (with pitched dormer windows) that extends south towards Cock Lane and a rear two storey projection set down from the main ridge line and includes a first floor terrace. It is intended to replicate the dwellings to the north of the site. The existing access will be retained, and drawings indicate the soft and hard landscaping for the proposed dwelling.
- 1.6 This application revises the refused 22/00697/FULD. This application seeks to reduce the scale of the development by:
  - Reducing the footprint by approximately 16sqm due to decreasing the number of bays at the integral garage from 3 to 2,
  - The roof form is amended on the rear projection from gable-end to hipped over the covered terrace.
- 1.7 Changes to the fenestration including reducing the area covered by glazing and is intended to address the concerns of light spill and those raised by the Parish Council on 22/00697FULD.

## 2. Planning History

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

Application	Proposal	Decision / Date
22/00697/FULD	Demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage.	Refused 10.06.2022  Appeal dismissed.

- 2.2 Application 22/00697/FULD was refused due to the proposal's conflict with the local development plan, the impact on the character of the area and NWD AONB and insufficient information to categorically rule out harm to any trees at the site (including those protected by a tree preservation order).
- 2.3 APP/W0340/W/22/3312565 dismissed the applicant's appeal of 22/00697/FULD and refused an award of costs against the Local Planning Authority. The Planning Inspector upheld that the proposal would conflict with the development plan and would result in harm to the rural character of the area. However, the Planning Inspector felt that development would not harm the special qualities of the NWD AONB itself. During the course of the appeal the matter regarding insufficient information to assess the impacts to trees was resolved. A copy of both the appeal and costs decision is annexed to this report.

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore "Schedule 2 development" within the meaning of the Regulations. However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered "EIA development" within the meaning of the Regulations. An Environmental Statement is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 22<sup>nd</sup> August 2022 at the entrance gates to the site, with a deadline for representations of 13<sup>th</sup> September 2022.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4 & 3.5
New Homes Bonus	Yes	No	3.6
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. 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).
- 3.5 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £72,369.38 (Gross floor space). Existing floorspace can be offset against liability subject to evidence provided this would be invited after issue of initial notice. 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). The CIL PAIR form indicates the applicant intends to claim a self-build exemption for the new home.
- 3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. In considering the merits of this planning application, due regard has been given to the objectives of the Act.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

- 3.9 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 It is acknowledged that there are certain properties where they may be some impact. However, it is identified in the report that the proposal would not result in harm (or harm can be mitigated by conditions) to those properties closest to the development.
- 3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The nearest listed building is over 500 metres from the application site and therefore the proposal will not impact on the setting of listed buildings.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No conservation areas would be impacted by the proposed development.

## 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>Bradfield Parish Council:</b>	No objections
<b>WBC Highways:</b>	Content with drawings submitted and have no objection. Conditions are requested for: electric charging point (as per plans), set back of gates, surfacing of access, visibility splays to be provided prior to occupation and parking/turning in accord with plans. Informatives recommended.
<b>Lead Local Flood Authority:</b>	There is a relatively low surface water flood risk so an FRA would not be required, however the applicant may want to include flood

	resilience measures as part of their design. A standard SuDS condition seems appropriate.
<b>WBC Tree Officer:</b>	<p>During the course of the application additional information was requested to ensure that there would not be a harmful impact on the TPOs where re-profiling works are taking place.</p> <p>No objections to the additional information and it is recommended conditions are applied for Arboricultural Method Statement and Arboricultural Supervision.</p>
<b>WBC Archaeological Officer:</b>	Part of this piece of infrastructure is of some historic interest (being of probable early 20th century origins). However, some photos of the reservoir do exist, and any building recording cannot be justified.
<b>WBC Public Protection Officer:</b>	Land contamination concerns raised due to a diesel generator at site for the former pumping station. No assessment accompanies the application. It is recommended a pre-commencement condition is applied to ensure contamination risk is investigated and if appropriate remediated for the use of the site for residential purposes.
<b>WBC Ecology Officer:</b>	Previously it was identified that protected species were found on the site and therefore further information was required with this application to identify whether there would be a likely impact as a result of the development. The Ecologist raised concerns with the first set of additional information because it was not sufficient to establish if protected species were present on site. Further surveys were undertaken, and no further comments have been received from the Ecologist.
<b>Thames Water:</b>	No objection in terms of wastewater network, sewage treatment works and water network infrastructure capacity. It is recommended that informatives are applied to advise the applicants of the water network during construction and occupation of the dwelling.
<b>Environment Agency:</b>	Do not wish to be consulted on the application.
<b>WBC Waste Management:</b>	No comments received at time of writing the report.
<b>North Wessex Downs Management:</b>	No comments received at time of writing the report.

### ***Public representations***

- 4.2 Representations have been received from 2 contributors which support the application.
- 4.3 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:



- Good opportunity for residential development.
- By approving the application, a precedence would not be set.
- Proposal is not out of character with the area, it would fit well within area.
- Current site is an eyesore that requires improvement which the proposal would achieve.

4.4 The applicant has also requested that the planning committee's attention is drawn to the 13 third party representations letters received during the appeal of 22/0067/FULD. These were broadly consistent with the points listed above. However, there was some concern raised with scale of the scheme.

## 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, ADPP5, CS1, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6, TRANS1 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)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)
- WBC Landscape Character Assessment (2019)
- Cycle and Motorcycle Advice and Standards for New Development (2014)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highway matters
- Ecology
- Trees
- Other matters

### ***Principle of development***

6.2 In determining the principle of development, the most important policies are considered to be Policies ADPP1, ADPP5, CS1 of the WBCS and Policy C1 of the HSA DPD.

- 6.3 Policy ADPP1 outlines the broader spatial strategy for the district advising most development will be within or adjacent to the settlements within the hierarchy. Tutts Clump is without a settlement boundary and therefore is deemed to be open countryside in terms of Policy ADPP1. According to the policy only appropriate limited development in the countryside will be allowed focusing on addressing an identified need and maintaining a strong rural economy. It is recognised that this policy seeks that the majority of development will take place on land that is previously developed land.
- 6.4 Policy ADPP5 provides the spatial strategy for the NWD AONB in which the site is located. The policy does recognise opportunities for infill development on previously developed land. However, advises that development is required to recognise the national designation by conserving and enhancing the special qualities and local distinctiveness.
- 6.5 Policy CS1 advises that new homes will be located in accordance with the settlement hierarchy and Area Delivery Plan Policies. New homes will primarily developed on suitable land within settlement boundaries, strategic sites and broad locations identified in the Core Strategy and land allocated for residential development in subsequent development plan documents.
- 6.6 In this context, Policy C1 of the HSA DPD gives presumption against new residential development outside of the settlement boundaries. Policy C1 gives specific exceptions to the general presumption against residential development outside of settlement boundaries, thus ensuring rural needs are addressed. Exceptions to this are limited to some forms of development listed in the policy including conversion of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and the limited infill in settlements in the open countryside.
- 6.7 The information accompanying the application sought to demonstrate that the policy met the exception in Policy C1 for limited infill development for a settlement in the countryside with no defined settlement boundary. However, it must meet the following criteria:
- i) *It is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and*
  - ii) *The scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage; and*
  - iii) *It does not extend the existing frontage; and*
  - iv) *The plot size and spacing between dwellings is similar to adjacent properties and respects the rural character and street scene of the locality.*
- 6.8 The Design and Access Statement raises similar issues to those raised in the appellant's statement of case produced for the appeal of 22/00697/FULD.
- 6.9 Appeal decision APP/W0340/W/22/3312565 confirmed that the application site was not located within a cluster of 10 dwellings and would extend the existing frontage. The Inspector concluded this was because of:
- The surrounding land uses and characteristics: the highway was directly to the south of the site with non-residential uses on the opposite side of the highway. Furthermore, there was undeveloped land and non-residential uses to the east and west.

- Pattern of development: It was also considered that the existing infrastructure on site was not visually comparable to the proposal in terms of the established pattern of development.
- 6.10 The context in which the site is located in has not changed since the Inspector's decision made on 22<sup>nd</sup> August 2023 and therefore the proposal still conflicts with criteria (i) and (iii) of Policy C1 of the HSA DPD.
- 6.11 It is noted that the Design and Access Statement refers to the weight that should be attributed to the previously developed status of the land. This was also addressed within the Planning Inspector's decision at paragraph 15. The previously developed status of the land did not outweigh the presumption against residential development outside of a settlement boundary. The decision noted the development did not meet the exception for the conversion of existing buildings which seeks residential development on previously developed land outside of a defined settlement boundary.
- 6.12 The proposed development conflicts with Policy C1 of the HSA DPD because it would not meet any of the exceptions listed in the policy and therefore there is a presumption against residential development outside of a defined settlement boundary. In addition, the proposed development fails to accord with Policies ADPP1 and CS1 of WBCS which sets out the spatial strategy for accommodating new housing.

### ***Character and appearance***

- 6.13 Policy CS14 of the WBCS states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area and makes a positive contribution to the quality of life in West Berkshire. Considerations of design and layout must be informed by the wider context.
- 6.14 Policy CS19 of the WBCS seeks development that will have a particular regard to the sensitivity of an area to change, ensuring new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.15 These are reflected in Policy C1 and Policy C3 of the HSA DPD. Development must not undermine the existing relationship of the settlement with the open countryside and is required to contribute to the character and distinctiveness of a rural area. The development must have regard to the impact individually and collectively to the landscape character, the local settlement and building character.
- 6.16 The Planning Inspector for the recently dismissed appeal identified that the application site was positioned in a prominent location (due to the corner plot) and that the site has an 'open quality' contributing to the spacious rural character when viewed from Cock Lane. It was considered the dwelling would have a dominant visual impact and urbanise previously open and rural surroundings. The proposal was therefore harmful to the rural character particularly when viewed from Cock Lane.
- 6.17 The proposed 5-bed dwelling has been reduced in scale and would still be consistent with the scale of development in the area and in character with existing built form (reflects Oak House to the north). However, it is considered that the amendments made would not address the identified harmful impact to the rural character of the area. Whilst it is acknowledged the development steps down towards Cock Lane the proposed dwelling would still represent a dominant built form. This would result in the loss of the open quality and spaciousness of the existing site. As a result, there would be harm to the rural character when viewed from Cock Lane.

- 6.18 It is noted that the Inspector found that residential development at the site would not result in harm to the NWD AONB and it is therefore considered this proposal would not conflict with policies for the conservation and enhancement of the special qualities of the NWD AONB.
- 6.19 It is recognised that removing the existing infrastructure from the site would be beneficial and there has been local community support for redevelopment of the site. However, the harm to the rural character is considered to outweigh the benefit of removing the existing dilapidated buildings on site.
- 6.20 The proposal therefore conflicts with Policies CS14 and CS19 of the WBCS and Policies C1 and C3 of the HSA DPD.

### ***Neighbouring amenity***

- 6.21 Policy CS14 of the WBCS seeks development that positively contributes to the quality of life in West Berkshire. The Quality Design SPD provides guidance on securing an acceptable impact on neighbouring amenity and living conditions for the future occupants of the dwelling.
- 6.22 Drawing 22/39/08 B (Proposed Site Plan) demonstrates that a minimum separation of approximately 10.6 metres between the proposed dwelling and Oak House to the north. It is considered that this is sufficient to mitigate harmful impact in terms of overbearing impact and daylight/sunlight received. Furthermore, due the physical massing of the dwelling this reduces the amount of development to the north of the site. It is considered that there are no other dwellings in proximity that would be impacted by the proposal.
- 6.23 In terms of privacy two first floor windows are proposed in the north elevation facing towards Oak House. However, the rooms in which they serve are non-habitable and proposed to be fitted with obscure glass. A condition to secure the obscure glass would mitigate the impact on privacy for the neighbouring dwelling and therefore would not be significantly harmful. The roof lights facing Oak House serve a staircase to the loft and a double-height bedroom therefore it is considered that this would not result in harmful overlooking.
- 6.24 The proposed dwelling would provide an acceptable level of amenity for the future occupiers of the dwelling in terms of floor space, storage and natural light within rooms. As a result of the large plot a substantial garden would be provided for the dwelling.
- 6.25 During construction the impact to neighbouring amenity for nearby dwellings could be mitigated using a condition restricting the hours of construction and demolition.

### ***Highway Matters***

- 6.26 Policy CS13 of the WBCS advises that road safety is a key consideration for all development. Saved Policy TRANS1 of the WBDLP seeks the transportation needs of development to be met through different transport methods. Policy P1 of the HSA DPD provides the parking standards for new residential development.
- 6.27 The Highways Officer was satisfied with the use of the existing access, the proposed parking layout and the provision of electric vehicle charging points.
- 6.28 Conditions were recommended to ensure parking and the access were provided in accordance with the details submitted. It is considered the development is in accordance with the relevant highway policies.

## ***Ecology***

- 6.29 Policy CS17 of the WBCS seeks the conservation and enhancement of biodiversity in the district.
- 6.30 It was identified during the course of the application that protected reptile species will likely be impacted by the proposed development and further phase 2 surveys were required to establish if there was an impact.
- 6.31 During the application a phase 2 survey was undertaken. However, the Council's Ecologist considered that there were limitations to the survey and that further information was required to establish the impact.
- 6.32 A further report was submitted on 17<sup>th</sup> August which demonstrates further surveys identifying no reptiles were found on the site.
- 6.33 No comments have been received regarding the surveys. However, the Planning Inspector was satisfied as part of the appeal for 22/00697/FULD that sufficient assessment had now been carried out and that a precautionary method statement was acceptable. This is accepted and a condition would be applied so that the development was carried out in accordance with the method statement.
- 6.34 The recommendations for mitigation and ecological enhancement are recommended to be applied as conditions. It is also recommended a condition for prior approval of external lighting is applied. The proposal is in accordance with Policy CS17 of the WBCS.

## ***Trees***

- 6.35 Landscaping and trees inform good design sought by Policy CS14 of the WBCS. Trees to the west of the site are also covered by a Group TPO which is considered to form part of the Council's green infrastructure which development is required to conserve and enhance in accordance with Policy CS18 of the WBCS.
- 6.36 It was identified by the Council's Tree Officer that investigation works were required to be carried out to be able to determine if the proposal would result in harm to the Group TPO.
- 6.37 During the application, Arboricultural Memo was produced which carried out this investigative work. It was demonstrated that the proposed development would be highly unlikely to impact on the TPOs.
- 6.38 The Tree Officer was satisfied with the additional information and recommended that conditions were applied for an Arboricultural Method Statement and Arboricultural Supervision details were submitted prior to development commencing.
- 6.39 No objections were received to the landscaping scheme.
- 6.40 The application is in accordance with Policy CS14 and CS18 of the WBCS in terms of impact on landscaping and trees.

## ***Other matters***

- 6.41 **Land contamination:** The Public Protection Officer identified there were concerns that the existing site may have contaminated land. It was recommended that this was required to be addressed by way of pre-commencement condition to establish if any of the land was contaminated and remediations works (if required). The condition would

be required in accordance with Saved Policy OVS5 of the WBDLP and Policy CS14 of the WBCS.

- 6.42 **Historic Environment Record:** The existing site does have a historic environment record for the existing 20<sup>th</sup> Century pump house. However, there is no objection to their loss and the Council's Archaeologist advises that no building recording is required for the demolition of the existing buildings.
- 6.43 **Flooding and Drainage:** The application site is located in Flood Zone 1 and in the area with the lowest risk flooding, this is in accordance with Policy CS16 of the WBCS. The policy also requires development to incorporate sustainable drainage systems. The Lead Local Flood Authority advised this could be dealt with by way of a condition.
- 6.44 **Pre-application Advice:** Reference in the Design and Access Statement is made to pre-application advice given by the Council. This was dealt with in both the Inspector's decision and the appeal costs decision. It was advised that it was "*..noteworthy that the advice concluded that 'the development could be looked upon, on balance, unfavourably'*". It is therefore considered that this does not impact upon the planning balance.
- 6.45 **Permissions 81/15202/ADD, 84/21615/ADD & 87/29076/ADD:** The Design and Access Statement refers to these permissions and the precedent they set for a new dwelling on Bishops Road. These are permissions that were not implemented at a different site to the north of the application site. It is considered that these can only be given very limited weight as they refer to a different site and policy context has changed since these decisions.

## 7. Planning Balance and Conclusion

- 7.1 It is recognised that the proposed development would offer the benefits of providing one new dwelling to assist in boosting the supply of new homes and the economic benefits associated with the construction of a new dwelling. It is considered that limited weight is given to these in the planning balance.
- 7.2 The removal of the existing dilapidated infrastructures would also provide a benefit and it is noted that there is a support for this in the local community.
- 7.3 However, great weight is given to the inappropriate location of the proposed residential development which would conflict the Council's development plan and result in harm to the rural character of the area.
- 7.4 Significant weight is also given to the recent appeal decision APP/W0340/W/22/3312565 (refused 22/00697/FULD) which is considered to be a relevant material consideration because these are similar schemes.
- 7.5 It is considered in the planning balance the conflict with the development plan and harm to the rural character significantly and demonstrably outweigh the benefits of a new residential dwelling on previously developed land. This is informed by the recent appeal decision at the site. It is recommended that the application is refused.

## 8. Full Recommendation

- 8.1 To delegate to the Development Control Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

## **Refusal Reasons**

### **1. Conflict with development plan**

The application site is in Tutts Clump a settlement without a defined settlement boundary. Policies ADPP1 and CS1 of the West Berkshire Core Strategy and C1 of the Housing Site Allocations (HSA) DPD gives a presumption against new residential development outside of settlement boundaries unless it meets an exception. Policy C1 of the HSA DPD provides a list of exceptions for residential development outside of a settlement boundary, the information accompanying the application seeks to demonstrate the proposal would be limited infill development within a settlement without a defined settlement boundary. The proposal is not considered to meet the criteria (i) and (iii) for this exception. The proposed development does not meet any of the other exceptions listed in this policy. It is also identified the development would undermine the existing relationship of the settlement with the open countryside.

The proposed development is not in accordance with the spatial strategy and policies for new housing in the development plan. The proposal does not comply with the NPPF, Policies ADPP1 and CS1 of the West Berkshire Core Strategy (2006-2026) and Policy C1 of the Housing Site Allocations DPD (2006-2026). It is considered that the redevelopment of the site does not outweigh this conflict.

### **2. Impact to rural character of the area**

The application site is positioned in a prominent location and the site has an open quality contributing to the spacious rural character when viewed from Cock Lane. The erection of a large 5 bed dwelling would have a substantial urbanising impact that would change the character of the plot. The dominant built form would be harmful to the rural character of the site and area when viewed from Cock Lane.

The harm to the character of the area identified conflicts with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policies C1 and C3 of the Housing Site Allocations DPD (2006-2026).

## **Informatives**

### **1. Statement under Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

The Council seeks to work with applicants in positive and proactive manner, where possible seeking solutions to problems arising in relation to dealing with a planning application. In accordance with the National Planning Policy Framework, the Council offers a pre-application advice service so that potential issues can be identified and addressed prior to submission. The Council will also negotiate improvements to submitted applications in line with its published strategy (<https://www.westberks.gov.uk/planning-application-process#Negotiations%20and%20amendments>). In this instance, it was not considered that the issues with the proposal could be resolved during the application in accordance with the published strategy. The principle of development is unacceptable, as confirmed by a recent appeal decision, and as such it was not possible to negotiate an acceptable solution.

### **2. CIL for refused application**

This 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. Plans considered

The following plans/documents have been considered in the determination of this application:

- (i) Application Form
- (ii) Drawing 22/39/07 A (Site Location Plan)
- (iii) Drawing 22/39/08 B (Proposed Site Plan)
- (iv) Drawing 22/39/09 A (Existing Buildings & Proposed Site Sections)
- (v) Drawing 22/39/01 A (Proposed Ground Floor Plan)
- (vi) Drawing 22/39/02 A (Proposed First Floor Plan)
- (vii) Drawing 22/39/03 A (Proposed Second Floor Plan)
- (viii) Drawing 22/39/04 A (Proposed Roof Plan)
- (ix) Drawing 22/38/05 A (Proposed Front and Side Elevations)
- (x) Drawing 22/38/06 A (Proposed Rear and Side Elevations)
- (xi) Drawing 22/39/10 A (Proposed Visibility Splays)
- (xii) Design and Access Statement (Tony Thorpe Associates)
- (xiii) Arboricultural Assessment & Method Statement (Mark Welby, MW.21.1128.AIA, 31 August 2022)
- (xiv) Drawing MW.21.1128.TS (Mark Welby: Tree Survey)
- (xv) Arboricultural Memo (Mark Welby, MW.21.1128.Memo, 2 March 2023)
- (xvi) Landscape Design and Management Statement (Draffin Associates, August 2022)
- (xvii) Drawing 848/01 (Draffin Associates, Landscape Proposals)
- (xviii) Ecological Assessment (GS Ecology, ECO2981, 21 January 2022)
- (xix) Reptile Survey Report (GS Ecology, ECO2981, 04 May 2023)
- (xx) Appeal Statement (Ecology) by GS Ecology 15 August 2023 (including appendices)





## Appeal Decision

Site visit made on 17 July 2023

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 August 2023**

---

**Appeal Ref: APP/W0340/W/22/3312565**

**Reservoir (covered), Road known as Bishops Road, Tutts Clump, Reading, West Berkshire RG7 6JU**

- 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 Tony Swales against the decision of West Berkshire District Council.
  - The application Ref 22/00697/FULD, dated 16 March 2022, was refused by notice dated 10 June 2022.
  - The development proposed is described as the 'demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage.'
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr Tony Swales against West Berkshire District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The appellant has submitted an Arboricultural Memo<sup>1</sup> and Ecological Reports<sup>2</sup> with the appeal.
4. As these do not alter the scheme in any way, and are only providing further information, to consider them would not deprive those who should have been consulted the opportunity of such consultation. I have therefore considered the appeal on the basis of the additional information.
5. With regard to the Arboricultural Memo, the Council has stated that this addresses their third reason for refusal and that, subject to suitable conditions, they therefore do not wish to contest this reason.
6. However, since the determination of the application, the Council state that it has become aware that native species have been found on the site. As such, whilst not a reason for refusal, they raise the issue of impact on protected species within their appeal statement.

---

<sup>1</sup> By Mark Selby, Arboricultural Consultant, 2 March 2023

<sup>2</sup> Ecological Assessment by GS Ecology 4 May 2023 & Reptile Presence and Absence Report by Syntegra Consulting August 2021

## **Main Issues**

7. As such, the main issues in this case are:

- whether or not the proposal is in an appropriate location, with particular regard to the proposal's effect on the relationship of the settlement within the open countryside and access to services and facilities;
- the effect of the proposed development on the character and appearance of the surrounding area including the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
- the effect of the development on ecology.

## **Reasons**

### *Location*

8. The appeal site comprises of a disused water pumping/storage facility, sited on the corner of Bishops Road and Cock Lane. Whilst there are dwellings extending to the north along Bishops Road, there is no dispute the site is located outside any settlement boundary and is therefore within the open countryside.
9. Policy C1 of the West Berkshire District Council Housing Site Allocations Development Plan Document (2017) (DPD) sets out that there will be a presumption against new residential development outside of the settlement boundaries. Additionally, Policies ADPP1 and CS1 of the West Berkshire Core Strategy (2006-2026) 2012 (CS) of sets out, amongst other aspects, the Council's spatial strategy and approach to accommodating new housing, with a presumption against new residential development outside of the settlement boundaries except under various exceptions. These policies would appear to be broadly consistent the aims of Paragraph 79 of the National Planning Policy Framework (the Framework), which seeks to promote sustainable development in rural areas, by ensuring housing is located where it will enhance or maintain the vitality of rural communities.
10. The site is not isolated in that there is nearby development, however an appropriate location requires access to nearby services and facilities. The services and facilities of Bradfield Southend, identified as a service village within CS Policy ADPP1, are relatively close by. From what I observed on site, whilst requiring the use of a road partly without pavements or lighting, given the short distance, reaching these services and facilities by walking or cycling would not be unreasonably inconvenient nor unsafe.
11. Nevertheless, DPD Policy C1 sets out the exceptions to the presumption against new residential development outside of the settlement boundaries, and this includes limited infill development. The policy requires that development comply with each of its criteria.
12. The scale of the dwelling is commensurate with the substantial detached dwellings to the north along Bishops Road, as is its plot. I note the disagreement between the parties regarding criteria i) of this policy, which requires development to be within closely knit cluster of 10 or more existing dwellings. Even if I were to agree with the appellant regarding the unbroken siting of properties to the north along Bishops Road, the policy specifically

requires development to be 'within' a cluster of 10 or more dwellings. Part iii) of this policy expressly states that development should not 'extend the existing frontage'.

13. To the north of the appeal site is the adjacent neighbour, 'Oak House', however, given its location, directly to the south is a highway. On the other side of the highway opposite the appeal site is a car parking area connected to an agricultural site. To the east, on the opposite side of Bishops Road is open undeveloped land, and to the rear lies a further non-residential use.
14. Whilst the site comprises of a former water pumping station reservoir with a single storey brick associated building, these structures are read as low-level buildings/development and are not comparable to the impact of a new independent dwelling visually and in the context of the established pattern of development. As such the proposal would extend the existing frontage along Bishops Road, in conflict with criteria iii) and I do not consider that development as proposed represents infilling as envisaged by the Framework or the DPD.
15. I acknowledge that the site is previously developed. However, whilst CS Policy ADPP1 supports development upon previously developed land, this is, in accordance with the Framework, in the context of requiring development to follow the existing settlement pattern and comply with the spatial strategy set out in the Area Delivery Plan. The proposal does not involve the conversion of an existing building, as is identified in DPD Policy C1 as an exception. As such, its previously development status does not outweigh the presumption against residential development outside of the settlement boundaries.
16. For these reasons, I find that the proposal fails to satisfy the criteria relating to in-fill development in Policy C1 of the Housing Site Allocations DPD. The appellant does not claim that the proposal would satisfy any of the other exceptions in this policy, and I am satisfied that it would not. Accordingly, although the proposal would be suitably located in relation to its proximity to some services and facilities, I find that the proposal would harm the existing relationship of the settlement within the open countryside and would therefore not be in an appropriate location.
17. I find the appeal proposal also fails to accord with CS Policies ADPP1 and CS1. Amongst other aspects, these set out the Council's spatial strategy and approach to accommodating new housing, with a presumption against new residential development outside of the settlement boundaries except under various exceptions. These policies would appear to be broadly consistent with the Framework in so far as they relate to the delivery of new rural housing and protection of the countryside.

#### *Character and appearance*

18. The appeal site is located within the North Wessex Downs AONB. The proposed dwelling would sit at the end of a row of dwellings set along Bishops Road. Given its corner location it has a prominence, particularly from Cock Lane, that the adjacent property to the north does not have.
19. Despite a new dwelling sited further to the south west, this part of Cock Lane has a clearly different character to this part of Bishops Road. As stated above, the existing structures on site are low key and low level, and therefore limited

- in their visual impact. The existing site has a relatively open quality which results in a spacious rural character when viewed from Cock Lane.
20. The removal of the existing dilapidated structures would have some visual benefit. The orientation and layout of the dwelling means that a single storey triple garage would extend towards Cock Lane with the 2 storey built form sited away from this road. In addition, the rear of the site would retain protected trees that would partially screen the extensive two storey glazed section to the centre of the dwelling. There would also be some hedgerow planting to the frontage.
  21. However, the replacement of the existing low key structures with a substantial 2 storey dwelling would have a significant visual impact and extend residential built form to Cock Lane. The resultant built form would be conspicuous and dominant from this direction and urbanise the previously open and rural surroundings.
  22. The previously developed site is within the AONB near to existing built form, and I am satisfied that the proposal would not harm the special qualities of the AONB itself, which amongst other aspects, include its special landscapes and historic environment, varied field patterns, important biodiversity sites and natural resources, and its sense of remoteness and tranquillity. There is therefore no conflict with wider conservation and enhancement of the AONB's special landscape qualities goals of CS Policy ADPP5 and the North Wessex Downs AONB Management Plan (2014-2019).
  23. However, I find that the proposal fails to accord with CS Policies CS14 and CS19 and DPD Policies C1 and C3. Amongst other aspects, these policies require development which is appropriate in the context of existing settlement form, pattern and character, which respect the character and appearance of the area, and which contribute to local character and distinctiveness. These policies would appear to be broadly consistent with the Framework in so far as they relate to achieving well designed places.

### *Ecology*

24. As set out above, since the determination of the application, the Council has become aware of grass snakes being found on the site. This is confirmed by the ecological assessment (EA) dated August 2021. This report sets out that the site was at that time overgrown with long grass, providing an ideal habitat for grass snakes.
25. I observed during my visit that this was no longer the case, and in any case, given the time lapsed since this report, as set out in the submitted correspondence with Syntegra Group, who carried out the initial assessment, new surveys are required.
26. A subsequent updated EA, dated March 2023, has been submitted with the appeal, which sets out no reptiles were found during this assessment. From what I have read, I am satisfied that the assessment, over 8 separate surveys, provides sufficient representative measurement results.
27. Nevertheless, the EA recognises that, given the history of reptiles being recorded on the site and the unseasonably cold and wet weather during the survey period, there is a small risk that very low numbers of reptiles may inhabit the site. A precautionary method statement is therefore provided,

setting out that the vegetation on the site is to be cut to a height of 50mm (with arisings removed) a minimum of two weeks before works start and maintained as such during the construction period, the construction zone is to be cleared under the supervision of a suitably qualified ecologist, and any reptiles (or other animals) found during these operations will be carefully captured and released into the retained habitats around the periphery of the site.

28. I note the concerns raised by the Council regarding issues such as unseasonable weather. However, were I minded to allow the appeal, I am satisfied that, subject to a condition securing the measures outlined above, that there would be no harm to protected species, and no conflict with the protection of species of principal importance goals of CS Policy CS17.

### **Planning balance**

29. The proposal would result in an additional unit of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes, as supported by the Framework. I also acknowledge that the development would make efficient use of the site, replace existing dilapidated structures, would be of an appropriate density and would result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, I give this matter limited weight.
30. I note that the appellant references three unimplemented planning permissions for new dwellings on this site<sup>3</sup> have already been granted. Limited information is provided regarding these permissions which makes comparison difficult, however given their presumed age, the policy context for these planning permissions would not be the same. These permissions therefore also attract limited weight.
31. Reference is also made to replacement dwellings granted within the area. There is an exception within DPD Policy C1 for replacement dwellings. The proposal before me does not meet the replacement dwelling exception. I note that pre-application advice was sought by the appellant<sup>4</sup>, however, it is made clear that the advice is given on an officer level only and does not prejudge the final outcome of any submitted application, particularly as no site visit had been undertaken. Nonetheless, it is noteworthy that the advice concluded that 'the development could be looked upon, on balance, unfavourably'.
32. I note the letters of support submitted; however, this does not alter my conclusions on the main issues. The benefits of the development attract limited weight in favour of the scheme, which do not outweigh the inappropriate location of the proposal and harm to the character and appearance of the surrounding area, which are matters that attract significant weight against the scheme.

---

<sup>3</sup> Application references 81/15202/ADD, 84/21615/ADD & 87/29076/ADD

<sup>4</sup> Application reference 18/00242/PREAPP

**Conclusion**

33. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*B Phillips*

INSPECTOR



## Costs Decision

Site visit made on 17 July 2023

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 August 2023**

---

### **Costs application in relation to Appeal Ref: APP/W0340/W/22/3312565 Reservoir (covered) Road known as Bishops Road, Tutts Clump, Reading, West Berkshire RG7 6JU**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Tony Swales for a full award of costs against West Berkshire District Council.
  - The appeal was against the refusal of planning permission for the 'demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage.'
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals.
4. Unreasonable behaviour may include failure by the planning authority to substantiate a stated reason for refusal of planning permission or relate to a procedural process. In this instance, the appellant sets out that due consideration was not given to the status of the appeal site as previously developed land.
5. Whilst the previously developed nature of the site was not mentioned in Council's officer report, it was considered by the Council as part of its appeal submissions. It is entirely within the gift of the applicant to bring to the Inspector's attention any additional information that they feel may improve understanding of the context of the proposed development, and the existing site and its status have been taken into account in reaching the decision on the appeal. The weight given to these matters is a matter for the decision maker.
6. The refusal reasons are clear in setting out the issues, including regarding the pattern of development within Tutts Clump and the context and requirements of Policy C1 of the West Berkshire District Council Housing Site Allocations Development Plan Document (2017). This is expanded upon and substantiated

in the Councils Officer Report and statement of case. Again, the weight given to previous applications and decisions is a matter for the decision maker.

7. Finally with regards to the pre-application advice given, it is made clear that the advice is given on an officer level only and does not prejudge the final outcome of any submitted application, particularly as no site visit had been undertaken. Nonetheless, it is noteworthy that the advice concluded that 'the development could be looked upon, on balance, unfavourably'.
8. Having regard to these matters I find that the Council has acted reasonably in the appeal process. Accordingly, unreasonable behaviour has not therefore been demonstrated in respect of these matters. The work undertaken by the applicant in this regard was a necessary part of his case.

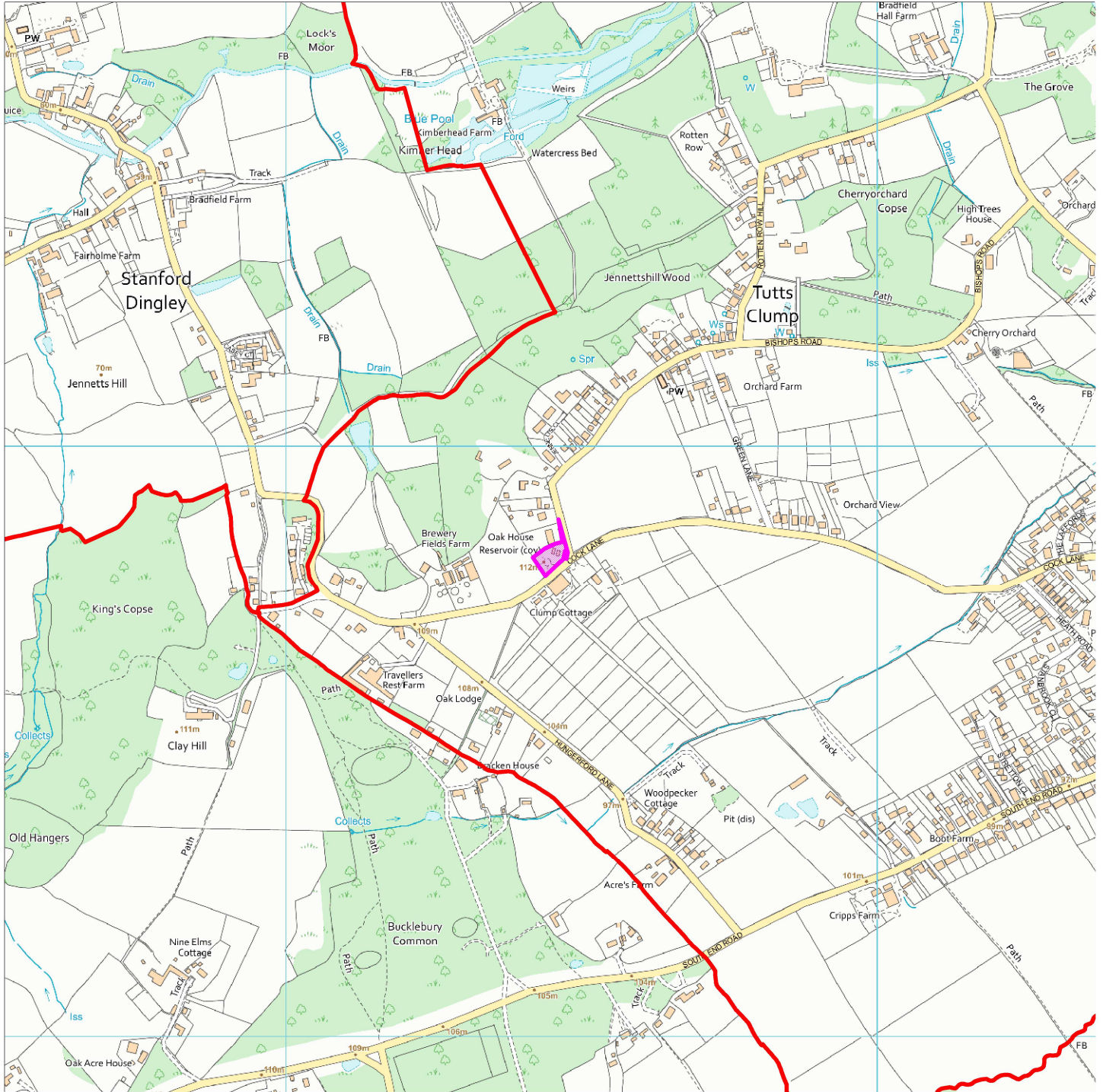
### **Conclusion**

9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

*B Phillips*

INSPECTOR





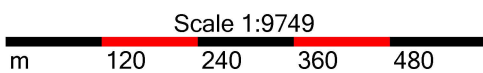
Map Centre Coordinates :

Scale : 1:9748

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	21 September 2023
<b>SLA Number</b>	0100024151



This page is intentionally left blank