

Notice of Meeting



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Eastern Area Planning Committee Wednesday 4 September 2024 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](#)

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on 3 September 2024 by emailing 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, 27 August 2024

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.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk.

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



Agenda - Eastern Area Planning Committee to be held on Wednesday, 4 September 2024
(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 Laura Coyle, Jane Langford, Janine Lewis, Biyi Oloko,
Christopher Read and Joanne Stewart

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 14
To approve as a correct record the Minutes of the meeting of this Committee held on 10 July 2024.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
 - (1) **Application No. and Parish: 24/00378/HOUSE Bucklebury** 15 - 28
Proposal: Retrospective New patio and garden works.
Location: 49 Abbey Gardens, Woolhampton, Reading RG7 5TZ
Applicant: Mrs Bradley
Recommendation: That the Development Manager be Authorised to **GRANT PLANNING PERMISSION** subject to conditions.

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



West Berkshire
C O U N C I L

Agenda - Eastern Area Planning Committee to be held on Wednesday, 4 September 2024
(continued)

- relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
 - (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
 - (e) The Human Rights Act.

Sarah Clarke

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

If you require this information in a different format or translation, please contact
Thomas Radbourne on telephone (01635) 519502.



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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 10 JULY 2024

Councillors Present: Alan Macro (Chairman), Richard Somner (Vice-Chairman), Jeremy Cottam, Geoff Mayes, Justin Pemberton and Clive Taylor

Also Present: Alice Attwood (Senior Planning Officer), Simon Till (Development Control Team Leader), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Jessica Bailiss (Democratic Services Officer), Thea Noli (Acting Senior Paralegal) and Thomas Radbourne (Apprentice Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Paul Kander, Councillor Ross Mackinnon and Councillor Vicky Poole

PART I

1. Minutes

The Minutes of the meeting held on 5th June were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

There were no declarations of interest received.

3. Schedule of Planning Applications

(1) Application No. and Parish: 23/01699/FULMAJ - Travellers Friend Crookham Common

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/016/FULMAJ in respect of Demolition of existing pub and reconstruction of 18 new flats with reception facilities for young people with autism and learning disabilities (falling within class c3 residential use) and alterations of existing B and B facilities into 2 no. of flats for young people with autism and learning disabilities (falling within class c3 residential (b) use) and alterations to existing shop and café to include alterations to windows and doors.
2. Mr Simon Till (Development Control Team Leader) 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 Development Manager be authorised to grant planning permission subject to the completion of a s106 obligation and to the conditions outlined in the main and update reports. It was highlighted that a revised recommendation had been included in the additional update information as follows: The officers recommendation is for conditional approval, subject to the conditions in the agenda report, the update sheet and additional update sheet; completion of a section 106 legal agreement to secure the

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use of the site; and to it being delegated back to officers to liaise with the applicant to secure appropriate drainage via additional information and conditions.

3. Mr Gareth Dowding (Principal Engineer (Traffic and Road Safety)) confirmed that he had no further comments in relation to Highways Matters.
4. In accordance with the Council's Constitution, Ms Watts Town Council representative, Mr Warren Richard, Mr Edward Sellick and Ms Rosie Palin, applicant, addressed the Committee on this application.

Parish/Town Council Representation

5. Ms Watts (Thatcham Town Council) addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Parish/Town Council

6. Members asked questions of clarification and were given the following responses:
 - The representation as on behalf of Thatcham Town Council, which had discussed the application at a meeting of its planning committee.

Applicant Representation

7. Rosie Palin addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#):

Member Questions to the Applicant/Agent

8. Members asked questions of clarification and were given the following responses:
 - It was confirmed that the existing shop would be retained on site as it currently was.

Ward Member Representation

9. Councillor Owen Jeffery addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Ward Member

10. Members did not have any questions of clarification.

Member Questions to Officers

11. Members asked questions of clarification and were given the following responses:
 - In response to the possibility of revisiting the matter of lowering speed limits and if this would be feasible, it was confirmed that for a speed limit review to take place, the Ward Member or Town Council would need to apply through a separate speed limit review process.
 - Permitted Development rights in relation to C3 use were limited. However, if Members felt that a condition restricting permitted development was necessary this could be considered. Concern was raised that permitted development rights for C3 use fell under general residential rather than a care home and in essence, by restricting to the current use it was thought that any permitted development rights would fall away.
 - As noted in the Officer's report, the site location was not deemed sustainable for the proposed development. Normally Officers would expect such a development to be sited in accordance with Local Plan Policy however, there was a user

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demographic that had to be taken into consideration. Officers were not able to answer if any of the users would be drivers however, it was expected that they most likely would not. In terms of the particular application and users proposed for the development, Officers considered the remoteness of the location provided some benefit. The balance was weighed positively in favour of the need in this case.

- It was confirmed that condition six referred to foul drainage, which was a separate matter to surface water drainage. Under normal circumstances it was confirmed that there would normally be a Sustainable Drainage System (SuDS) condition. Officers were still waiting on this information and had therefore asked for this to be delegated back to Officer's so that the necessary discussions could take place with the applicant, to secure the required information and to ensure the drainage system was sustainable.

Members voted in favour to suspend standing orders so that the applicant could be asked to provide details regarding the users of the proposed site.

- Warren Davies (applicant) from the Care Quality Commission for Transforming Support confirmed that the individuals that lived within the type of service proposed would not ordinarily be drivers. They would likely have dedicated mobility cars driven by support staff and have access to specialist transport from the Care Quality Commission or the Local Authority.

Members voted in favour of reinstating standing orders.

Debate

12. Councillor Jeremy Cottam firstly commented on the sadness of the loss of the Travellers Friend, which had once been a much loved Inn. He however, felt that the proposal was excellent in terms of the benefit it would provide. He was aware of the poor internal condition of the pub and when viewed at the site visit, the condition had worsened further. The justification of going to a new build was an excellent idea and the proposal was well presented and fit for purpose. Councillor Cottam referred to comments and answers provided regarding the sustainability of the site and felt reassured that it was for the benefit of the residents.
13. Councillor Somner agreed with Councillor Cottam. The site had been visited previously and the out of the way location had been noted. It was a sad situation in current times that if a pub was not used it was lost. Councillor Somner was mindful of the conditions and the change in terms of drainage engineer's view (detailed in the additional update report), which need to be factored in. Councillor Somner proposed the Officer recommendation be approved with the inclusion of the recommended changes.
14. The Chairman clarified that the additional conditions for inclusion concerned the footpath and residential permitted development rights. Councillor Somner agreed with these conditions and felt that a condition of permitted development rights would offer some reassurance to those living in the area. Councillor Cottam seconded the proposal.
15. Councillor Pemberton queried if the SuDs precondition would also be included. Mr Till confirmed the revised recommendation proposed that this matter being delegated back to officers to liaise with the applicant to secure appropriate drainage via additional information and conditions. Mr Till clarified the further condition for inclusion, which had been requested by Members to restrict all residential permitted

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development rights and confirmed that a condition regarding the footpath was included within the update sheet.

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

RESOLVED that the Development Manager be authorised to grant planning permission subject to the subject to the conditions in the agenda report, the update sheet and additional update sheet; completion of a section 106 legal agreement to secure the use of the site; and to it being delegated back to officers to liaise with the applicant to secure appropriate drainage via additional information and conditions.

- Further condition on PD Rights.

Application No. and Parish: 23/02603/FUL - Barn, Hawkridge Farm, Bucklebury, Reading

17. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 23/02603/FUL in respect of Internal and external alterations to allow change of use of listed barn to dwelling, including erection of vehicular access, gate, car port and diversion of the definitive footpath.
18. Alice Attwood (Senior Planning Officer) introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
19. Mr Gareth Dowding confirmed that he had no further comments in relation to Highways Matters.
20. In accordance with the Council's Constitution, Mr David Southgate, Parish Council representative, Russel Meadows and Christine Dunn, objectors, Kate Russell, supporter, Richard Beasley and Lisa Jackson, applicant/agent and Councillor Chris Read, Ward Member, addressed the Committee on this application.

Parish Council Representation

- Mr Southgate addressed the Committee (Bucklebury Parish Council). This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Parish/Town Council

21. Members did not have any questions of clarification.

Objector Representation

22. Mr Russel Meadows and Ms Christine Dunn addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Objector

23. Members asked questions of clarification and were given the following responses:
 - Mr Meadows confirmed that his property (Owl House, Hawkridge Farm) owned its own septic tank on the other side of Chapel Lane. Hawkridge Farm were also able to use this septic tank under a covenant. It was confirmed that the septic tank

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would not be available for use by the proposed barn conversion and would not be capable of coping with the extra four bedrooms.

- The septic tank owned by the Owl House at Hawkridge Farm was emptied every few years. The proposal would require a sealed cesspool because it would not have access to a septic tank and did not have the grounds available to accommodate one.
- Mr Meadows confirmed that the figures he had provided on cesspool capacity were based on the guidelines that one person equated to 150 litres per day and he further clarified how he had calculated the figures provided as part of his representation, relating to how often the cesspool would need to be emptied.
- The pond was fed into by water drainage from all the rooves and guttering of dwellings within Hawkridge Farm. The pond was the lowest point in the area and was therefore also fed into by water drainage from the road. The pond flooded each year during the winter and Mr Meadows had included pictures of this with his objection.

Supporter Representation

24. Ms Kate Russell addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Supporter

25. Members did not have any questions of clarification.

Applicant/Agent Representation

26. Mr Beasley (Applicant) and Ms Jackson (Agent) addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Applicant/Agent

27. Members asked questions of clarification and the following responses were given:

- Ms Jackson was unable to clarify the heights of the bedrooms as the architect had drawn the plans. It was hoped that Officers would be able to clarify this point.
- In terms of the impact of light from the proposed dwelling on inhabitants in the close surrounding area, Ms Jackson reported that Officers had clearly considered this and felt that a planning condition would deal with external lighting issues. It was noted that internal lighting was a concern and Ms Jackson reminded members of the site visit and the existing large opening to the north of the barn. The barn also had high bay florescent lights that could be used at night and significantly in the winter. Mr Jackson suggested that domestic lighting would be much more sympathetic and curtains were often used. Ms Jackson did not agree that harm from the dwelling would be greater but felt it would improve the situation.
- Regarding the Conservation Officers comments concerning the impact of the obscured glazing and if an alternative had been considered, Ms Jackson acknowledged there was tension on this point. The front to front distance was within the standard required and obscured glazing had likely been suggested due to the strength of objection. The views were oblique and not direct due to the considerable distance of 12.5 metres. Obscured glazing did not need to be used if it was not felt to be necessary but it was likely Officer's would advise that it was.

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- Regarding the tiles and whether they would all be reused, Ms Jackson confirmed that not all the tiles were original as the building was only listed in 1983. Tiles would be reused where possible. Most of the tiles were nailed and many of the rafters had been replaced.
- The barn had a gutter leading to down pipes and this would not change as part of the new proposal.

Ward Member Representation

28. Councillor Chris Read addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Ward Member

29. Members did not have any questions of clarification.

Member Questions to Officers

30. Members asked questions of clarification and were given the following responses:

- In response to a question on the impact of internal and external lighting from the proposal, it was confirmed that the barn was currently in domestic use and had large opening, which caused light spill. Although plans had not been submitted comparing current lighting to the proposal there was a condition proposed ensuring a lighting scheme that was sensitive to biodiversity. The ecologist had been satisfied with the condition and did not believe that there would be any harm caused to protected species from light spill.
- It was confirmed that the barns current use was ancillary residential, which involved lighting intermittently. The Ward Member had referred to a possible future agricultural use of the barn and although Officers felt this was unlikely given the location and lack of viable farm land associated with the application site, if it were to be put to agricultural use (which would not require planning permission) then there could be a significant level of lighting with no way to control this, which could result in a large amount of light overspill. Compared to the level of lighting associated with agricultural use, a residential use in the Officer's view would result in considerably less light overspill, particularly with the conditions recommended. Members were reminded that it was also important to consider reasonableness when putting conditions place. Members were strongly to advised to consider residential use in comparison to a more intensified agricultural use. Members were also reminded that the recommendation was on balance where Officers were minded to support the ongoing viable use of the building and accept some level of associated impact. This was deemed favourable compared to the building falling into a state of disrepair. *(Councillor Jeremy Cottam disagreed that there would be increased light spillage with agricultural use as there would likely be motion detectors. He highlighted that they were supposed to enhance the National Landscape (formerly AONB) and looking after dark skies)*
- The building was a listed building and therefore any additional light fixtures would require listed building consent. Members attention was drawn to condition 16, which dealt with a lighting strategy and external lighting within the National Landscape. This meant that the applicant would have to submit a lighting strategy in line with guidance and therefore dark skies would be protected by this condition.
- Condition 16 did not apply to internal lighting however, it had to be considered that there was existing internal lighting and by granting permission there would be

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more control over the existing lighting situation. Internal lighting of building could not be controlled.

Debate

31. Councillor Richard Somner understood the concerns and also the desire to develop. Lighting seemed to be the primary issue however, questioned if it was. He commented that there were 21 conditions, which for a single dwelling was considerable and showed the level of concern by Officers in ensuring that development was conducted in the right way. Councillor Somner stated that he was concerned about the size of the lane however, it was a rural area and if it the site was a working farm there would be sizable vehicles using it. Councillor Somner wished to listen to the views of other Members.
32. Councillor Geoff Mayes stated that he had looked in detail at the drawings and was impressed with the architectural changes. He raised concerned about the use of cork for the insulation and suspected that the barn would lose many of its existing tiles. Generally, he was in favour of the proposed building however was concerned about effluent removal and drainage aspects. He was concerned about the level of the pond and flooding of the subterranean car park.
33. Councillor Clive Taylor stated that like Councillor Somner and Mayes he also had mixed feelings about the proposal. He noted that there were more people in support of the application than objecting to it. Councillor Taylor was minded to support the application on balance. He noted concerns about glazed windows and the amount of visits required to empty water tanks however, his inclination was towards supporting the Officer recommendation.
34. Councillor Cottam stated that he was leaning towards rejecting the application. He was concerned about the impact of light pollution on surroundings. He felt it was a red herring to say that agricultural use would generate more lighting than that proposed. In his view, having visited many farms where motion detectors were used, this would not be the case. He queried if back lighting could be used within the bedrooms or if this would be unreasonable. If this could not be implemented or controlled then he did not feel planning permission should be granted due to the importance of the dark skies policy within the AONB. Councillor Cottam was also concerned about the sunken car port and this becoming flooded given increased rainfall, which he felt was unlikely to improve. He acknowledged on balance that there were positive elements to the application and he admired the architecture however, due to the concerns he had raised he would not be able to support the application.
35. Councillor Justin Pemberton acknowledged that the Committee was having to balance the competing priorities in deciding where its judgment should land. He felt the lighting issue was red herring and based on what he had heard could be controlled by planning conditions. He was aware that the area was already an established residential area to a point and there were already dwellings nearby. In his view Members needed to balance the risks associated with creating a new dwelling at the location with the existing structure falling into disrepair, if planning permission was refused. The long term viability of the area needed to be considered and what it was being used for currently. Councillor Pemberton felt that the application should be commended when there were not enough homes in the country although he appreciated the argument around affordable homes. He had listed to concerns, which he felt were valid however, he did not feel these were enough for him to object to the proposal and on balance he felt it should be supported.

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36. Mr Till referred to points raised regarding internal lighting and advised that there would be a justified case for a condition on grounds of severe concerns on lighting overspill. If minded to approve the application, the condition would require detail of internal lighting to be provided and approved prior to occupation of the proposed dwelling.
37. Councillor Somner referred to comments about lighting and agricultural use. His understanding was that if the site was under agricultural use there would be no control over lighting whereas the proposal included two conditions on lighting with a potential of a third condition. Councillor Somner noted that the main reason raised for possible refusal of the application was associated with the lighting however, felt that with the conditions discussed there would be better control. On this basis Councillor Somner proposed with the proposed conditions and additional condition on lighting, that the Officer's recommendation to grant planning permission be approved. This was seconded by Councillor Pemberton.
38. The Chairman invited Members of the Committee to vote on the proposal by Councillor Somner 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 refuse planning permission subject to the conditions in the report and update sheet and additional condition as follows:

- Additional condition requiring detail of internal lighting to be provided and approved prior to occupation of the proposed dwelling.

Application No. and Parish: 23/02604/LBC - Barn, Hawkridge Farm, Bucklebury, Reading

39. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/02604/LBC in respect of Internal and external alterations to allow change of use of listed barn to dwelling, including erection of vehicular access, gate, car port and diversion of the definitive footpath.
40. Alice Attwood (Senior Planning Officer) introduced the report to Members, which took account of all the relevant policy considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
41. Mr Gareth Dowding confirmed that he had no further comments in relation to Highways Matters.
42. In accordance with the Council's Constitution, Mr David Southgate, Parish Council representative, Russel Meadows and Christine Dunn, objectors, Kate Russell, supporter, Richard Beasley and Lisa Jackson, applicant/agent and Councillor Chris Read, Ward Member, addressed the Committee on this application.
43. Mr Till clarified that Listed Building Consent considered only the impact of works on the fabric and the significance of the Listed Building and set out in detail what these were.

Parish Council Representation

44. Mr Southgate addressed the Committee (Bucklebury Parish Council). This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

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Member Questions to the Parish/Town Council

45. Members did not have any questions of clarification.

Objector Representation

46. Mr Russel Meadows and Ms Christine Dunn addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Objector

47. Members did not have any questions of clarification.

Supporter Representation

48. Ms Kate Russell addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Supporter

49. Members did not have any questions of clarification.

Applicant/Agent Representation

50. Mr Beasley (Applicant) and Ms Jackson (Agent) addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Applicant/Agent

51. Members asked questions of clarification and the following responses were given:

- There was a detailed structural report, which formed part of the planning application and explained the sensitive repair of each of the beams, structures and joints. This had been considered in detail by the Conservation Officer who was satisfied with the works proposed.

Ward Member Representation

52. Councillor Chris Read addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - 10th July 2024 \(YouTube Link\)](#)

Member Questions to the Ward Member

53. Members did not have any questions of clarification.

Member Questions to Officers

54. Members asked questions of clarification and the following responses were given:

- Mr Till commented on the insulation proposed as he had drafted the condition on the matter. He provided Members with further details as this information had been provided through the additional update report. An objection had been received from the Society for the Protection of Ancient Buildings on the grounds of some of the forms of insulation proposed. Officers were not of the view that this was a fundamental objection to the listed building consent and viewed it as a technical objection on the details currently proposed. Mr Till drew attention to point three on the amended update sheet, which provided the additional condition on insulation. Mr Till stated that he also wished to add the following wording to the condition 'this is not withstanding any details shown on the existing plans'.

Debate

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- 55. Councillor Jeremy Cottam expressed his dissatisfaction with the application. He felt that the car port distracted from the view of the building but noted it had been highlighted a tractor could be parked there.
- 56. Councillor Geoff Mayes noted from the objector comments that an agricultural vehicle could be placed in the barn using it as a car port, which would avoid the need for the subterranean car port. He was unsure if this was a possibility.
- 57. Councillor Mayes commented on the insulation and that he had experienced similar issues with his own house. Wood ants were an issue with cork insulation and wasps and mice were an issue for some of the polystyrene alternatives. He was concerned about the materials proposed however, was supportive of the idea. He referred back to the car port and the possibility of fitting a tractor inside the barn as it could then be used as a car port. Councillor Mayes was reminded by the Chairman that the application before the Committee had to be considered.
- 58. Councillor Richard Somner noted the point by Councillor Mayes however, highlighted that the internal and external matters had already been considered as part of the previous application and the car port had been accepted. Councillor Somner was pleased to see Mr Till's response to the late consultation comment submitted and this addressed the scrutiny of the work that would be carried out and that any work would not be at the detriment of the current structure. Councillor Somner felt that the application was supportive of the application previously approved and therefore proposed the Officer recommendation to grant Listed Building Consent was approved subject to conditions in the main report and additional update sheet. This was seconded by Councillor Clive Taylor.
- 59. The Chairman invited Members of the Committee to vote on the proposal by Councillor Somner, seconded by Councillor Taylor 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 conditions in the report and additional update sheet.

(The meeting commenced at 6pm and closed at 8.53pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/00378/HOUSE Woolhampton	06/05/2024 ¹	Retrospective New patio and garden works. 49 Abbey Gardens Woolhampton Reading RG7 5TZ Mrs Bradley

¹ Extension of time agreed with applicant until 06/08/2024 (pending review)

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9M35WRD0HE00>

Recommendation Summary: That the Development Manager be Authorised to **GRANT PLANNING PERMISSION** subject to conditions

Ward Member(s): Councillor Read

Reason for Committee Determination: More than 10 letters of objection.

Committee Site Visit: 28/08/2024

Contact Officer Details

Name: Lauren Hill
Job Title: Planning Officer
Tel No: 01635 519111
Email: Planapps@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 retention of a patio and garden works.
- 1.3 The application site is a terraced dwellinghouse with a front and rear garden. This and surrounding houses were specifically designed with the Abbey buildings in mind and echo some of the strong design details of those buildings, the materials used are a mix of brick and stone. The host building faces west onto a cul-de-sac the rear garden slopes towards the east. To the rear of the rear garden there is a bridle way and beyond that there are some purpose-built garages.
- 1.4 This proposal is a retrospective planning application which was submitted following an enforcement investigation which found a breach of planning control. The proposal is in relation to a stepped terraced patio which has been erected in the rear garden. Therefore, the relevant policies set out in this report will be applied and assessed.

2. Planning History

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

Application	Proposal	Decision / Date
02/01838/FUL	Planning application granted for the Restoration of main former abbey school building, and conversion into flats. Demolition of outlying former school building and construction of new houses/flats. Approved on the 7th May 2004.	Approved 07/05/2004
11/00492/HOUSE	Planning application refused for a loft conversion with velux windows and insertion of gable windows to front and rear elevations. Refused on the 04th July 2011.	Refused 04/07/2011
22/00719/HOUSE	Planning permission granted for an orangery on the 5th August 2022.	Approved 05/08/2022

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. Site notices were displayed

on 11 June at the site, with a deadline for representations of 02 July. A public notice was displayed in the Newbury Weekly News on 21 March 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. No local financial considerations are relevant to this application
- 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 CIL is addressed under a separate process and the applicant has submitted forms containing the relevant information.
- 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. 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.
- 3.8 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.
- 3.9 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.
- 3.10 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. The scheme also level access to the rear of the dwelling, which would provide a benefit for those with mobility related disability.
- 3.11 **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.
- 3.12 The proposals have raised concerns with local residents in respect in particular to overlooking and drainage. It is acknowledged that there are certain properties where they may be some impact beyond the previous state of affairs in terms of overlooking, and matters related to drainage are addressed in the report below. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the right to enjoyment of their own property of the resident.
- 3.13 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.
- 3.14 **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. These proposed works are not considered to entail any significant or harmful impact on the listed buildings at Douai Abbey or their setting.

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.

Woolhampton Parish Council:	The Parish Council wish to object to the application due on account of the works being unauthorised, it is their understanding that the relevant permitted development rights have been removed in the area.
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Public representations

4.2 Representations have been received from 21 contributors, 10 of which support, and 11 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:

- That the height of the patio would result in loss of privacy to neighbouring properties.
- That the works had been done without consultation with the abbey Gardens Residents' Association.
- Concern about the impact upon maintaining neighbouring fences and the impact of run off.
- Concern was raised about overlooking onto an adjacent bridle path.

4.4 The following points raised in support:

- The patio works together with the planting improves the appearance of the garden.
- The height of the patio is such, that the ability to overlook neighbouring properties is negligible compared to original garden levels.
- That the patio has been done to facilitate improved wheelchair access to the garden.
- That the owner has suffered a loss in mobility and the improved garden will enable them to more fully enjoy the outside space.

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, CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy NRM6 of the South East Plan.

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 House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Impact on character and appearance of surrounding area.
- Neighbouring amenity.

Principle of development

6.2 The proposed works are for relatively minor works of a residential character to a dwellinghouse outside of the defined settlement boundary but within a defined area of residential development. The principle of development is considered to be acceptable. Your officers' recommendation of approval is informed by the considerations set out below.

Character and appearance

6.3 The terrace/patio is surfaced with square and rectangular flagstones which are laid in a non-uniform pattern. They are variously coloured and are in muted tones. In terms of the materials used they are an appropriate material for a patioed area. Planting beds are arranged either side of the raised patio area which are enclosed in rail sleeper-style timber boxes. These increase in size and patio steps cascade down to the area to the rear garden that is partially paved and partially grassed. It is considered that the materials are acceptable, and the terrace complies with policies ADPP1, CS14, CS 19 contained in West Berkshire Council's Core Strategy.

6.4 It is noted that the application site is seen in the context of the relatively recent Abbey Gardens development that forms part of the wider context and setting of listed buildings at Douai Abbey. However, the works are not considered to be of such a nature and extent as to engender any significant or harmful impact on the character or setting of these listed buildings.

Neighbouring amenity

6.5 The raised patio is somewhat elevated when compared to the immediate neighbouring properties the this is confined to areas to towards the rear of the garden and is to a limited extent, thereby engendering some, but limited additional overlooking of these areas. It is considered that the works are not sufficiently elevated to result in demonstrable harm to amenity, and additionally with regard to the layout of surrounding development which already engenders a level of incidental overlooking across garden spaces from windows of habitable rooms. It is therefore the view of your officers that the level of elevation of the patio is acceptable and accords with the policies ADPP1, CS14, CS 19 contained in West Berkshire Council's Core Strategy.

6.6 Objections refer to concerns with maintenance of fences. Such matters are civil and fall to the particular responsibilities of the landowners concerned. They are not the province of planning

Drainage

- 6.7 While it is noted that a number of objections refer to flood risk and drainage concerns it is noted that there is no applicable legislated restriction on hardstanding in rear gardens. Neither would there be a requirement for planning permission to lay a whole garden to hardstanding. Such minor drainage matters fall outside of the province of planning to address, although your officer notes that the proposals do not entail the laying of the whole garden to hardstanding, and therefore would accommodate some provision for drainage. In respect of concerns regarding drainage to neighbouring land as a result of the works, it is the responsibility of the landowner to ensure that hardstanding is sufficiently drained not to result in an adverse impact on neighbouring land and buildings, and is a civil land ownership matter rather than being the proper remit of planning.

Town/Parish Council representations

- 6.8 The Parish Council raise concerns with the impacts on neighbouring amenity. These are addressed above. The Parish Council raise concerns with regard to the retrospective nature of the application. The principle planning legislation makes no meaningful distinction between consideration an application submitted prior to and after development in this respect, and the retrospective nature of this planning application is not material to considerations. The Parish Council raise the restriction on permitted development rights on the site. This restriction relates to the appearance of the site and size of the plots. The proposed works are not considered to significantly detract from the wider character and appearance of the site, nor result in the appearance of cramped or visually harmful development.

7. Planning Balance and Conclusion

- 7.1 Your officers do not consider that the works have resulted in harm such as would weigh against approval of this application. The application is therefore recommended for approval.

8. Full Recommendation

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

Conditions

1.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none"> -Application form - 29/02/2024 -Location and Block Plan - 15/02/2024 -Sections, Elevation and Plan - 29/02/2024 <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2	<p>The materials to be used in the development hereby permitted shall be as specified on the plans or application forms. Where stated that materials shall match the existing house, those materials shall match those on the existing development in colour, size and texture.</p>

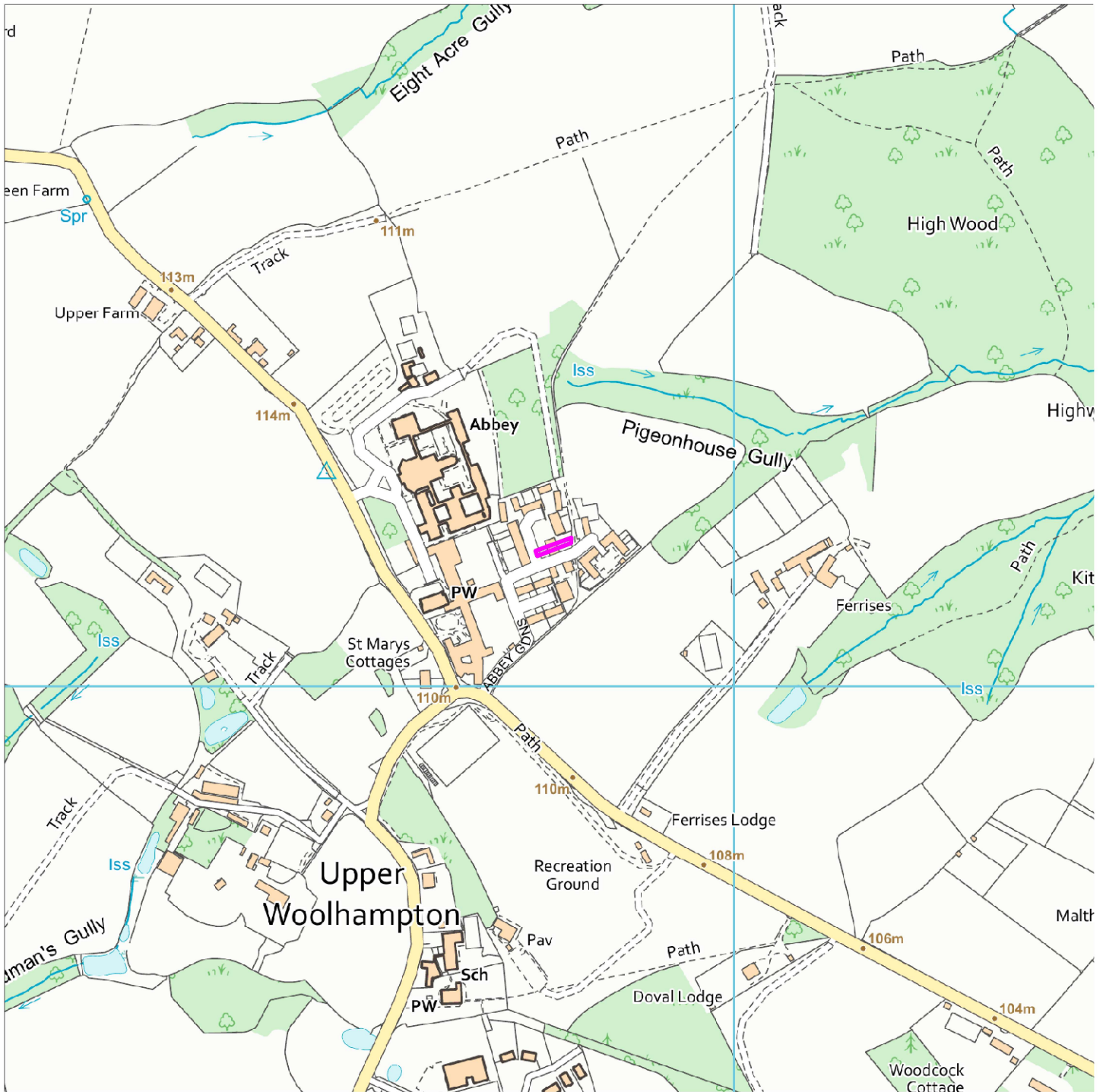
	Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006- 2026) Supplementary Planning Guidance 04/2 House Extensions (July 2004) and Supplementary Planning Document Quality Design (June 2006).
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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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
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24/00378/HOUSE

49 Abbey Gardens, Woolhampton RG7 5TZ

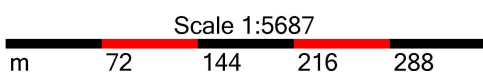


Map Centre Coordinates :

Scale : 1:5687

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	21 August 2024
SLA Number	0100024151

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

Wednesday 4th September 2024 at 6.30pm

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

&

And via Zoom

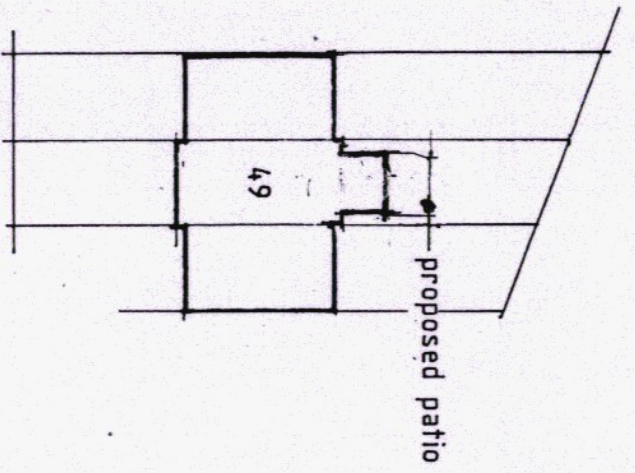
[to be read in conjunction with the main agenda]

Please note:

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



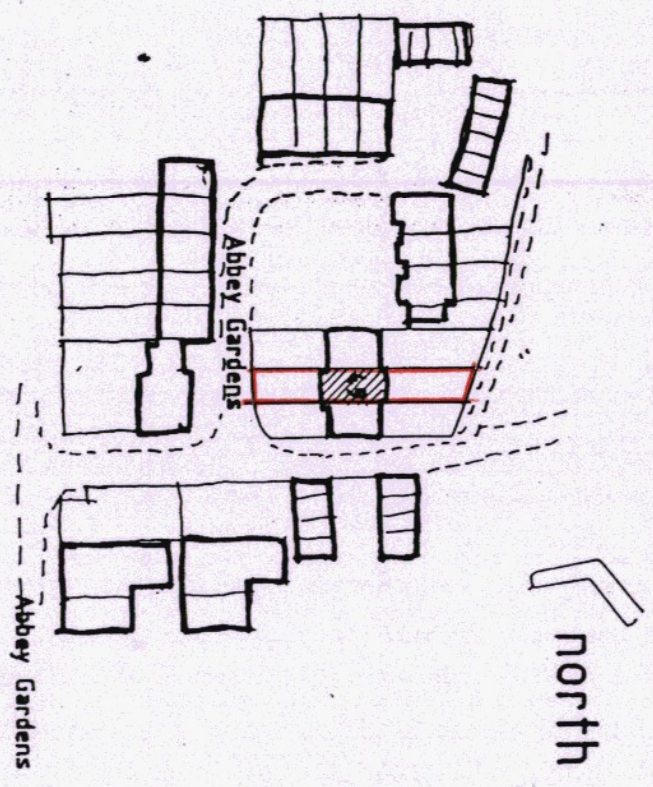
24/00378/HOUSE
49 Abbey Gardens
Woolhampton
Reading
RG7 5TZ



block plan

scale : 1/500

WEST BERKSHIRE
COUNCIL
15 FEB 2024
DEVELOPMENT & REGULATION



site plan

scale : 1/1250

Ordnance Survey Licence No. AC0000855552

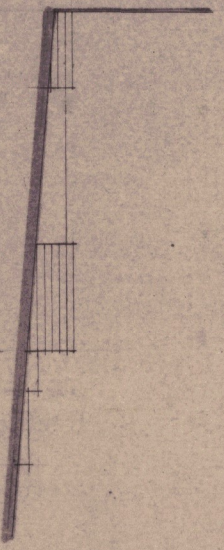
Scale bars for different scales:

- Scale 1:50: 1 unit = 2 units
- Scale 1:100: 2 units = 4 units
- Scale 1:200: 4 units = 8 units
- Scale 1:1250: 50 units = 100 units
- Scale 1:2500: 100 units = 200 units

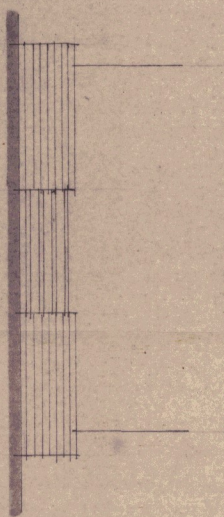
4.9 Abbey Gardens
Upper Woolhampton

Mr G Bradley

job no. 3921



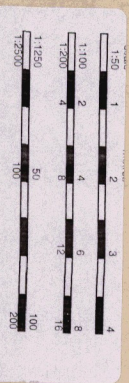
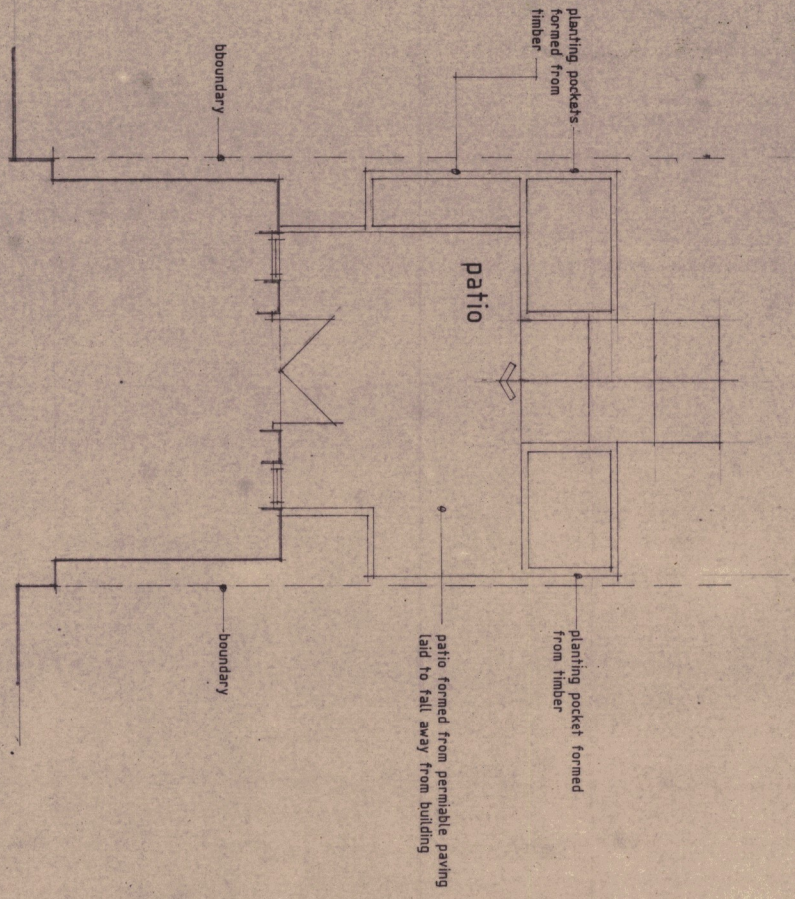
side elevation



front elevation

section

plan



WEST BERKSHIRE
COUNCIL
15 FEB 2024
DEVELOPMENT & REGULATION

PROJECT :
**Proposed Patio At
49 Abbey Gardens
Upper Woolthampton
Reading**

ARCHITECTURAL & BUILDING SERVICES
RICHARD NEW
DOWNSIDE
& CHARLES STREET
NEWBURY
RG14 6QP
Tel. 01635 49290

job no :	3921	revision :		CLIENT :	Mr G Bradley
date :	Feb 2024	scale :	1/50		