

Notice of Meeting



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Eastern Area Planning Committee

Wednesday 4 December 2024 at 6.30pm

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 make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 3 December 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 26 November 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.



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

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 December 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** To Follow
To approve as a correct record the Minutes of the meeting of this Committee held on 6 November 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) **24-01672-HOUSE, Crevan, Beals Lane, Tilehurst** 5 - 18

Proposal: Proposed Garage to the front garden

Location: Crevan, Beals Lane, Tilehurst, Reading, RG31 5UD

Applicant: Mr and Mrs P Fox

Recommendation: To delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed in the report.
 - (2) **24/01288/REG3, Walnut Close, Thatcham** 19 - 28

Proposal: Change of use from class C2 [nursing home] to sui generis use comprising accommodation for those in housing need plus retention of family contact centre-part retrospective.

Location: Land at Walnut Close, Thatcham

Applicant: West Berkshire Council.



Agenda - Eastern Area Planning Committee to be held on Wednesday 4 December 2024

(continued)

Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

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
Service Director – Strategy & Governance
West Berkshire District Council

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



West Berkshire
C O U N C I L

Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	24/01672/HOUSE Tilehurst	16/10/2024 ¹	Proposed Garage to the front garden Crevan, Beals Lane, Tilehurst, Reading, RG31 5UD Mr and Mrs P Fox

¹ Extension of time agreed with applicant until 20 December 2024

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=SHUP2MRD0S100>

Recommendation Summary: Refusal

Ward Member(s): Councillor Joanne Stewart
Councillor Clive Taylor

Reason for Committee Determination: Call In by Ward Member

Committee Site Visit: 27 November 2024

Contact Officer Details

Name: Donna Toms
Job Title: Planning Officer
Tel No: 01635 519111
Email: Donna.toms@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 double garage building within open front garden.
- 1.3 The application site is situated within open countryside within the North Wessex Downs National Landscape (AONB) and as such the area has a higher level of protection. The dwellinghouse has recently been extended following planning permission for single storey, two storey rear and side and roof extensions. The front garden open with clear views towards the dwelling.
- 1.4 The proposed detached two bay garage will be situated within the front garden about 4.62 metres from the road and 4.81 metres from the host dwelling. The dimensions of the garage are:

Overall height: 4.82 metres

Height to eaves: 2.57 metres

Width: 7.61 metres

Depth: 6.67 metres

Materials are plain clay roof tiles to match existing, Cedral Fibrecement Woodgrain Cladding, Facing Brickwork and Powder Coated Aluminium Door and Windows.

2. Planning History

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

Application	Proposal	Decision Date /
24/00251/HOUSE	Single storey and two storey rear and side extensions and roof extension.	07/06/2024

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 notice was displayed on 4 September 2024, with a deadline for representations of 25 September 2024.

- 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 material 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 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.
- 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 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.
- 3.11 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 proposes measures to improve pedestrian safety on routes through the village. The final design of this scheme would need to meet the Highways Authority's safety and access audit. CIL contributions are also taken towards healthcare and education & training facilities as part of the development.
- 3.12 **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.
- 3.13 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.

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.

Tilehurst Parish Council:	No objection but notes that the appearance of the garage will alter the street scene.
WBC Highways:	No objection
North Wessex Downs:	No response was received

Public representations

- 4.2 Representations have been received from 2 contributors, 0 of which support, and 2 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:

- Out of character with Beals Lane
- Will overshadow Middle Cottage

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 ADPP5, CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C6 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

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)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Character of the area
- Question whether by refusing this application, there has been inconsistent planning policy application, in particular with regard to the Council's Supplementary Planning Guidance – House Extensions.

Principle of development

6.2 The site is located outside of a defined settlement *boundary and* is therefore classified as open countryside.

6.3 West Berkshire Core Strategy Policy ADPP1 provides a hierarchy of settlements within the district to ensure development follows the existing settlement pattern and delivers the spatial vision and objectives for the district. The hierarchy is comprised of defined urban areas, rural service centres and service villages. Below the settlement hierarchy, smaller villages with settlement boundaries are suitable only for limited infill development subject to the character and form of the settlement. Only appropriate limited development in the countryside (outside settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 The application site is located outside of any defined settlement boundary within the district and is therefore regarded as 'open countryside' under the West Berkshire Core Strategy Policy ADPP1. The policy states that only appropriate limited development in

the countryside will be allowed. In the context of this general policy of restraint in the countryside, Policy C6 of the Housing Site Allocations DPD gives a presumption in favour of proposals for the extension of existing permanent dwellings in the countryside. This policy is considered the most appropriate where the proposal is for an outbuilding associated with a dwelling in the countryside.

- 6.5 The proposal is therefore considered acceptable in principle, under Policies ADPP1 of the West Berkshire Core Strategy, and Policy C6 of the Housing Site Allocations DPD, subject to the proposal otherwise complying with the detailed requirements of these policies.

7. Planning Balance and Conclusion

Character and Design

- 7.1 Forming part of the West Berkshire Core Strategy, Policies CS14 and CS19 relate to design and impacts on the character and appearance of the area. Policy C6 of the Housing Site Allocations relates to the extension of existing dwellings within the countryside. The site is situated within a small established residential area, outside of a defined settlement boundary, on Beals Lane.
- 7.2 Policy C6 gives the following criteria relating to design and landscape character impacts. An extension or alteration will be permitted providing that:
- The scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
 - It has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
 - The use of materials is appropriate within the local architectural context
- 7.3 The WBC House Extensions Supplementary Planning Guidance (2004) (SPG) outlines that the impact of double garages in particular can be dominant and unsympathetic. They should normally be located to the side or rear of dwellings and be set back from the highway. Care should be taken to ensure that any garage projecting forward of the main entrance does not dominate the main elevation.
- 7.4 Crevan is a detached house located on an attractive residential road where properties sit within spacious plots set some distance back from the road with parking areas and gardens to the front. Most houses have a front hedge and other vegetation in their front gardens such as trees and shrubs which contributes to the pleasant verdant, open and spacious character of the area. This arrangement, together with a generally consistent building line, creates a largely uniform and spacious appearance to the street scene that contributes positively to the rural character of the area. The proposed development would introduce a detached garage, with a height of 4.82 metres, set forward of the existing house.
- 7.5 While there is a flat roofed garage a couple of doors down, this has been integrated with the way in which that dwelling has a recessed frontage, thereby tucking the garage closely into the envelope of built form alongside the dwelling. By contrast, the one proposed in this application would be clearly proud of the front of the dwelling, and while not particularly overbearing, would alter how the site reads in the street scene, giving the front elevation an additional prominence that would be at odds with the surrounding properties. This would be in direct conflict with the advice on quality design given in the SPG in respect of garages and the impact of extensions and outbuildings on the character of the street scene.

7.6 It is therefore considered that the proposal does not comply with the requirement for high quality design and for development to respect the pattern of surrounding development under Policies CS14 and CS19 of the West Berkshire Core Strategy, and Policy C6 of the Housing Site Allocations DPD and West Berkshire Council's SPG 'House Extensions'.

Amenity

7.7 The Core Principles of the NPPF state that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and Policy CS14 states that development should make a positive contribution to the quality of life. The SPG 'House Extensions' outlines amenity matters to be considered. As such amenity is an important consideration.

7.8 The assessment considered the impact on neighbouring amenity in terms of

- Sunlight / daylight
- Overlooking / privacy
- Overbearing impact
- Noise and disturbance
- The original proposal has been carefully assessed against the criteria laid out above, there is not considered to be any discernible impact with regards to amenity.

7.9 Concerns were raised regarding overbearing and overshadowing impacts on the eastern neighbour, Middle Cottage.

7.10 A sunlight/daylight assessment was undertaken which showed that there will be no overshadowing of Middle Cottage, due to the orientation of the proposed garage to the north of the property. West Berkshire Council's SPG 'House Extensions' states that as a guideline, a single storey extension should not project beyond a line drawn at 60 degrees from the middle of the nearest ground floor window of a habitable room. Such an assessment was undertaken and found that the line drawn at 60 degrees from the middle of the nearest ground floor window did not cross the proposed garage.

7.11 The proposed development is not judged to have a significant harmful impact on the living conditions of the neighbouring properties, so it is considered to comply with Policy CS14 of the West Berkshire Core Strategy, Policy C6 of the Housing Site Allocations DPD, and SPG 'House Extensions'.

Highways

7.12 Policy P1 outlines the parking requirements for residential development. Highways have raised no objection to the proposed development, therefore the parking for the extended dwelling is considered to comply with policy P1.

Other Matters

7.13 This application was called in to Committee as there are concerns regarding consistency with the Council's SPG 'House Extensions' regarding other applications on Long Road allowing garages within the front garden. Long Lane has a very different street scene context to this site, furthermore, Long Lane is within the settlement boundary of Tilehurst and not within the North Wessex Downs National Landscape.

8. Full Recommendation

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

Refusal Reasons

1.	<p>Character of Area/NWDNL</p> <p>The proposed works are for a garage stood proud from the frontage of the main dwelling within the site and adjacent to Beals Lane. The surrounding properties all conform to a clear, well-defined building line, which is a feature of the street scene and is not interrupted by development in front of dwellings. By virtue of interrupting this orderly pattern of development the proposed garage would appear at odds with the pattern of surrounding built form and thereby visually detract from the open frontage character of its surroundings. As such it would have an adverse impact on the setting of the site within public views from the out of settlement rural lane. The impact of the proposed development would therefore be contrary to the WBC House Extensions Supplementary Planning Guidance (2004), as well as Policies CS14 and CS19 of the West Berkshire Core Strategy, which require that new development demonstrates a high quality of design and respects the settlement form, pattern and character, and the National Planning Policy Framework.</p>
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Informatives

1.	<p>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.</p>
2.	<p>The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus 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, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, you are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil</p>
3.	<p>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that any planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <ul style="list-style-type: none">(a) a Biodiversity Gain Plan has been submitted to the planning authority, and(b) the planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p>

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for

educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

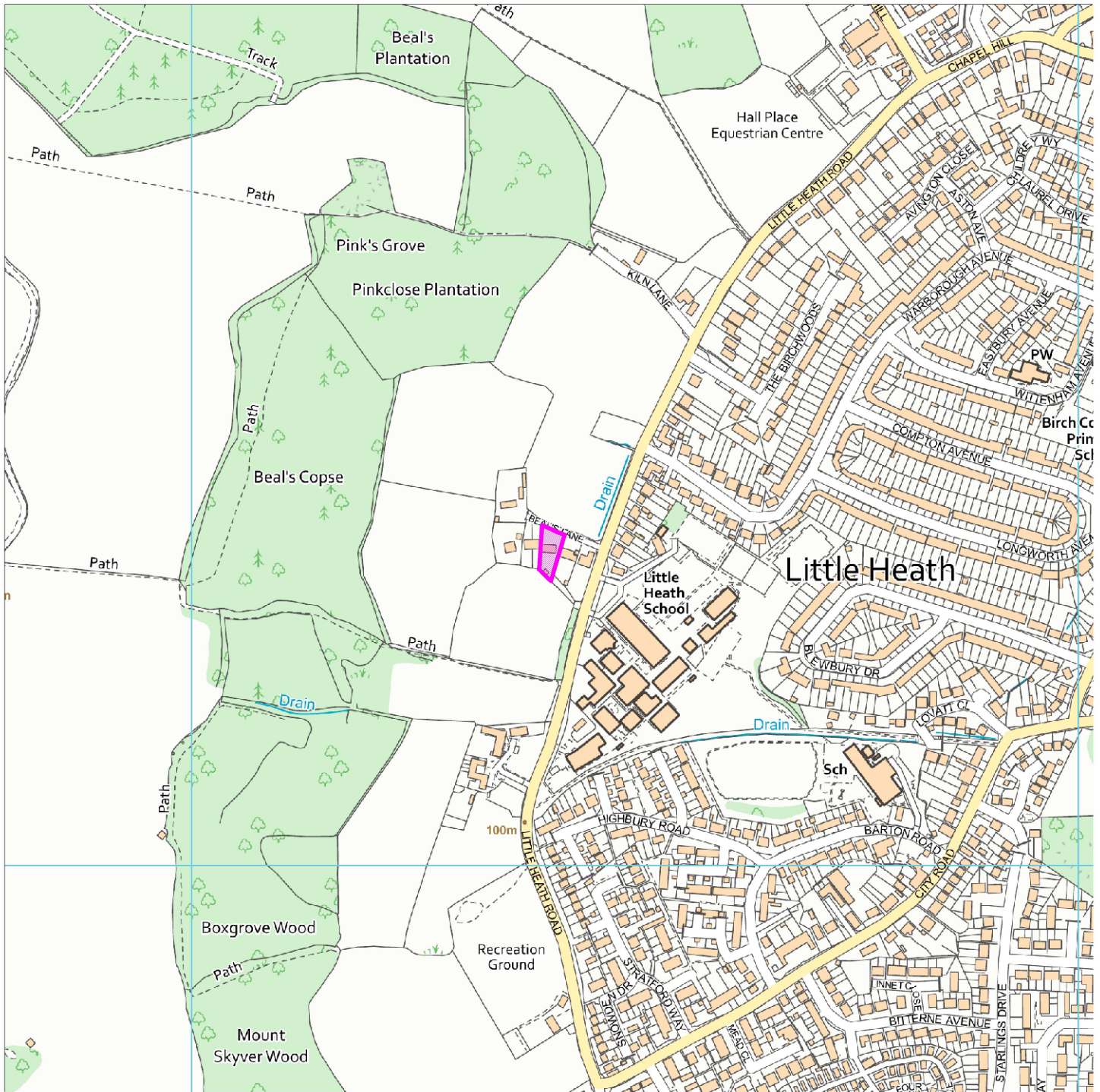
- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

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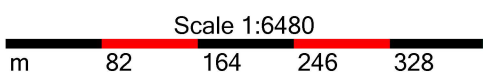
Map Centre Coordinates :

Scale : 1:6480

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



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/01288/REG3 Thatcham	7 th January 2025	Change of use from class C2 [nursing home] to sui generis use comprising accommodation for those in housing need plus retention of family contact centre-part retrospective. Land at Walnut Close, Thatcham West Berkshire Council.

1

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=SFFQICRD09N00>

Recommendation Summary: The Development Manager be authorised to grant planning permission.

Ward Member(s): Councillors Cottam and Dillon

Reason for Committee Determination: The Council is both the land owner and the applicant. It is also a major application. No delegated authority to determine such applications.

Committee Site Visit: 27th November 2024

Contact Officer Details

Name: Michael Butler
Job Title: Principal Planning Officer.
Tel No: 01635 519111
Email: 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 change of use of this former nursing home [Class C2] to a sui generis use of temporary accommodation for those in housing need, plus a family contact centre. The Western quadrant of the building is being used at present as a Family Centre, which provides services to families under court appointed contact time. It is proposed that this use continues, and the building is subdivided internally to allow continuation of the family centre on the western side of the building at ground floor and a change of use of the remainder of the building on the ground and first floors on the eastern quadrant to provide temporary supported accommodation for 23 households. The only physical change to the internal layout of the building will be to provide internal separation between the proposed accommodation and the family contact centre use. There are existing separate entrances to each wing of the building and these will continue to be utilised. The proposal will provide 19 rooms with access to shared cooking and washing facilities. A further 4 units will be used for larger families. In total 23 habitable units will be utilised. Additionally internal communal spaces will be available for family use. An office and washroom facilities for staff use will be provided. The staff will manage the facility and provide day to day support for families whilst they reside in the premises. Externally, to the West of the building the land adjacent to Thatcham Library, there is a small area which will be fenced off to provide privacy to other areas of the building.
- 1.3 Around the site will be 17 car parking spaces within the amended red line block plan submitted in the application details with cycle store and bin store. The spaces will be for staff and residents, plus visitors. 4 spaces will be assigned to staff.

2. Planning History

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

Application	Proposal	Decision / Date
12/01621/FUL	Modify the existing nursing home to provide an additional 11 care rooms.	Approved 4/9/12

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 for the original description were posted on the 17th October 2024 with an expiry on the 7th November. Once the amended description and additional supporting information was submitted the amended plans site notice was posted on the 6th November with an expiry on the 20th November 2024. The NWN had an advert posted on the 24th October.

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 identifies the relevant local financial considerations for this proposal.

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

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 Given that the proposed use is sui generis, CIL will not be payable. In any event the Council is the applicant so would be the recipient of CIL if it were to be chargeable.

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 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. However, it is noted that if the application is approved, those in housing need will be assisted by the additional accommodation provided.
- 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 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. Number 3 Bath Road lies to the south of the application site and is a grade 2 listed building. This does need to be taken into account however as it is noted that no external alterations are being proposed to the application building.
- 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. The Thatcham town centre conservation area lies to the south east of the site about 100m distant -the application will have no impact on the setting of that area. [

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.

Thatcham Town Council	Supports the application.
WBC Highways:	On the original plans -additional information requested. Consulted on revised information received-. Conditional permission now recommended.
Active Travel England	No views to make
Thames Water	No objections on waste or water supply grounds.,
CCG -integrated care board	Request a s106 contribution of just over £19,000 as mitigation for local surgery in recognition of the increased population on site.
Environmental health.	No objections.
SUDS	No objections.
Archaeologist.	No implications.
Thames Valley Police	Designing out crime officer. Notes that not much information has been submitted with the application. More detail needed on safe and secure access points, window detail, surveillance of car parking and so on. Officer comment -it is recommended that an additional condition is applied to any permission to ensure these details are approved. Officer note. The applicant has supplied additional information on security. No condition required.

Public representations

4.2 Representations have been received from 3 contributors, 1 of which supports, and 1 of which objects to the proposal. The other seeks clarification.

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:

Support –Good that additional affordable units are being provided. However some concerns remain over local parking issues.

Objection-the red line location plan includes land owned by the Sovereign Group and this is for parking for those residents alone. The red line plan should be amended. Officer comment -this has been done.

Clarification -re the original description. This needs clarifying-officer view -this has been done via the amended plans.

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

- Policies ADPP1 , ADPP3, CS1 , CS13, of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

5. Appraisal

5.1 The main issues for consideration in this application are:

Principle of the development
Parking on site.
Other factors-housing need and CCG.

Principle

5.2 The application site is an existing building in a settlement boundary in a highly sustainable location. It accords with the advice in policy CS1 in the Core Strategy in that it will re use an existing building for residential purposes, albeit the actual use class is sui generis [use class of its own] given the mixed use with the family centre. Policy CS1 notes that there should be no net loss from the existing housing stock-in this case the use was C2 [residential institution] being a nursing home, so not class C3 as such-so no loss is occurring. Policy ADPP1 being the strategic policy for the District notes that most development will be directed to the main urban areas, Thatcham being one of those. Policy ADPP3 relating specifically to Thatcham, adds little of any significance to the overall policy position, in regards to the appraisal of this application.

5.3 In addition in terms of local housing need, this application will be very helpful to the Council in meeting its statutory obligations, in providing temporary accommodation for families without alternative accommodation, so that principle is supported being a clear public benefit. In terms of financial considerations, if approved the project will assist the Council in reducing ongoing public expenditure on temporary bed and breakfast accommodation for families in such circumstances in the District.

5.4 Parking on site.

5.5 The original application scheme wrongly included additional parking spaces in an extended red line. This has now been rectified to 19 on site spaces. 4 of these spaces will be for the supporting living staff plus the family centre staff . This leave 15 spaces for future occupants. This is a ratio of 1.5 rooms per parking space. Normally the on site provision should be at least 23 spaces for the 23 rooms provided but in this case it is noted that many of the residents will not have access to any vehicles, given their

nature of occupancy “type”. Whilst at the time of writing this report the highways officer has not formally responded to the updated plans it is envisaged that the number of spaces will be adequate for the sui generis use proposed which has no formal parking standard/ratio applied to it, under policy P1 in the HSADPD of 2017. Given the very sustainable location of the application, it is not considered that any objections should be raised on parking grounds. Finally, the highways officer has recommended that 2 of the parking spaces have ev charging points attached.

5.6 Other factors

- 5.7 The Committee will note that in the consultations section of this report, the CCG have requested that the Council as applicant provide the local NHS foundation with just over £19,000 for improvements to local surgery’s, given the increase in accommodation provided on site. This request is flawed for a number of reasons. Firstly, those being accommodated are not new to the District but existing homeless who will already derive services from the NHS. Secondly, whilst no CIL is payable with the proposal since the use is sui generis, the CIL funding that the Council receives is [in part] directed back to the NHS for funding, from other housing schemes permitted in the District where there is a net gain in dwellings and so population. Finally given the loss of the nursing home itself, these occupants themselves would have derived services from the local surgery. So, the officer advice is clear that if the application is approved no such funding is justified in terms of the tests set out in regards to s 106 obligations in the NPPF.

6. Planning Balance and Conclusion

- 6.1 There is much to commend this application. Whilst the loss of the nursing home is clearly regrettable, given the ongoing high demands for such accommodation, the proposed building re use for those in acute housing need is fully supported, in such a “good” location for all locals services and general accessibility. There will also be clear financial benefits for the Council which whilst not a planning matter per se, is a public benefit in reducing public expenditure. There should also be helpful social benefits for those being housed in this location.
- 6.2 The application is accordingly recommended for approval.

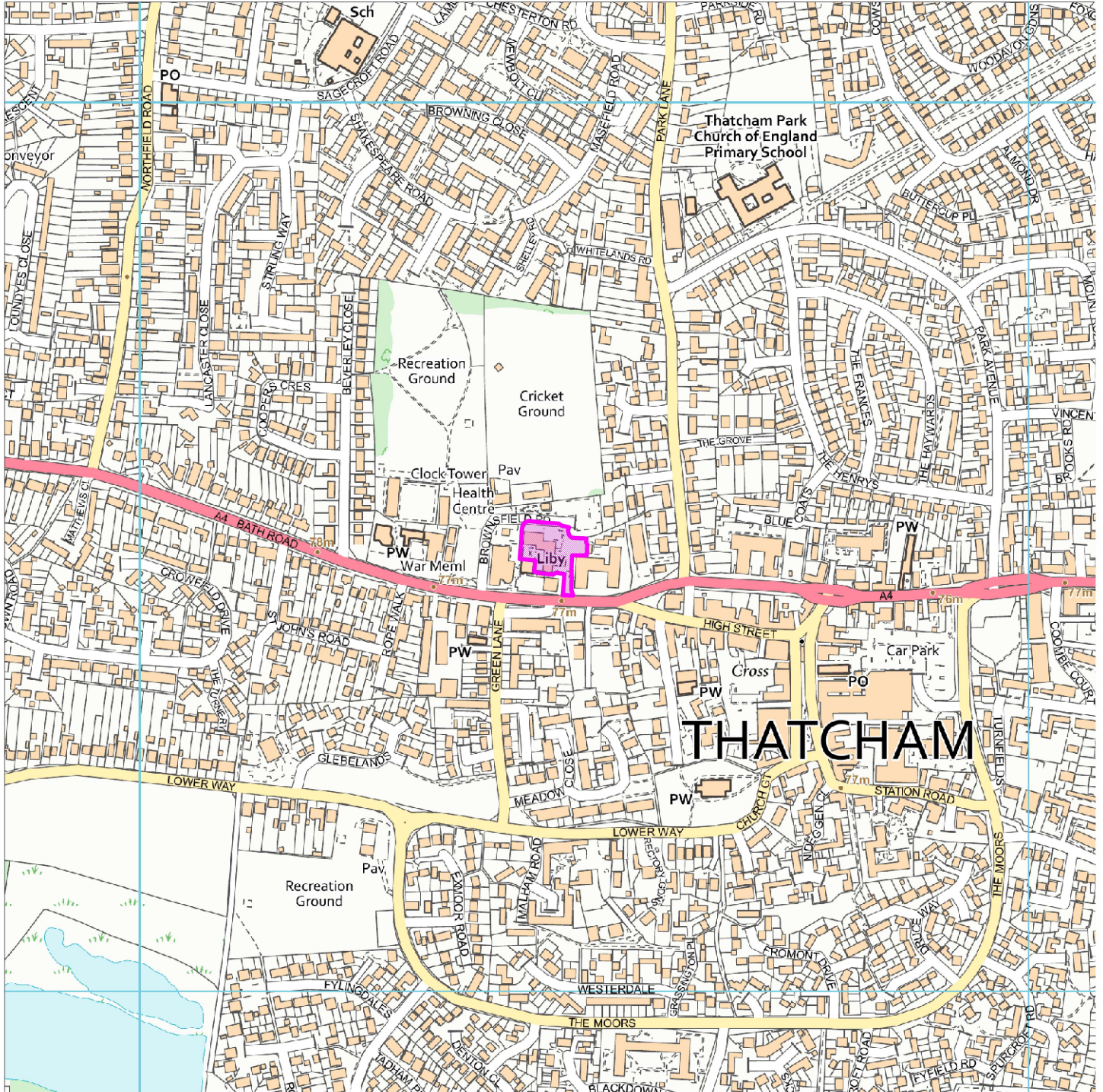
7. Full Recommendation

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

Conditions

1.	<p>Commencement of development</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>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Job number 240122-30-101 Rev A, 102 Rev A, and 10-002-Rev C.</p>

	Reason: For the avoidance of doubt and in the interest of proper planning.
3	<p>EV points.</p> <p>The development hereby permitted shall not be occupied until details of one ev charging point on the site has been provided. This shall be retained in perpetuity on the application site.</p> <p>Reason. To provide facilities which will assist in carbon reduction in accord with policy CS15 in the WBCS of 2006 to 2026</p>
4	<p>Cycle store</p> <p>Details of appropriate cycle storage facilities on the site for staff and residents shall be submitted to and approved by the LPA prior to the occupation of the site. Within 3 months of the first occupation date the cycle facilities shall be constructed in accord with the approved details and retained to the satisfaction of the LPA.</p> <p>Reason. To promote cycling on the site in accord with policy CS13 in the WBCS dated 2006 to 2026.</p>
5	<p>Use restriction</p> <p>Notwithstanding the proposed use of the building as sui generis, the building shall not be used as an HMO at any time in the future unless express permission has been granted by the LPA for such a use.</p> <p>Reason. To ensure the purpose and use of the building is retained in the public interest, in accord with the advice in the NPPF of 2023.</p>



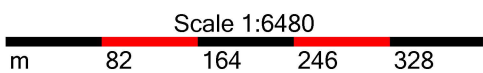
Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
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