TOWN AND COUNTRY PLANNING ACT 1990

WS Planning & Architecture
Mr Peter Brownjohn
5 Pool House
Bancroft Road
Reigate
RH2 7RP

Applicant:
Mr Charles Doherty

PART I - DETAILS OF APPLICATION

Date of Application
8th August 2022

Application No.
22/01899/FUL

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan, and the proposed erection of 1 dayroom per pitch.

Land West Of Pumping Station, Enborne Row, Wash Water, Newbury West Berkshire

PART II - DECISION

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

1. Within 3 months of the date of this decision, works shall be completed to bring the development in accordance with the approved plans.

Reason: The existing development on site does not accord with the approved plans, and therefore remedial works are required.

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

Proposed Site Plan J004098-DD-03 Rev A received 8th August 2022;
Proposed Day Room Plans J004098-DD-04 received 8th August 2022;
Location Plan J004098-DD-01 Rev A received 8th August 2022;
Proposed Section and Levels J004098-DD-05 received 8th August 2022;
Supporting Statement received 8th August 2022;
Landscape and Visual Impact Assessment received 7th February 2023;
Flood Risk Assessment dated May 2023 received 24th May 2023;
Surface Water Drainage Strategy received 31st May 2023;
Biodiversity Metric received 12th February 2024;
Ecological Impact Assessment dated February 2024 received 12th February 2024.

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

3. The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

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

4. Within 3 months of the date of this decision notice the vehicle parking spaces for each pitch shall be completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

5. Within 3 months of the date of this decision, the development shall be carried out in accordance with the submitted flood risk assessment compiled by Flume Consulting Engineers, referenced 1292, revision 2 and dated May 2023 and the following mitigation measures it details:

- There shall be no development on site in Flood Zone 2 or Flood Zone 3 all in accordance with Figure 3 on page No 5.
- There shall be no raising of existing ground levels on site in Flood Zone 2 or Floor Zone 3 all in accordance with paragraph 2 of page No 5.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with the requirements of paragraph 167 of the NPPF, to reduce the risk of flooding to the proposed development and future occupants for the lifetime of the proposed development. To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of flood plain storage. To prevent obstruction to the flow and storage of flood water, which would lead to an increase in flood risk elsewhere.

6. All further works shall be carried out strictly in accordance with the details submitted in the ecological impact assessment:

- Section 1.6 Surface water drainage strategy of the Ecological impact assessment (February 2024, DJOGS Limited).

- Section 1.7 Landscape and Ecological enhancement scheme of the Ecological impact assessment (February 2024, DJOGS Limited).
- Section 5.2 Mitigation measures and residual effects of the Ecological impact assessment (February 2024, DJOGS Limited).
- Section 6.2 Recommendations; Essential of the Ecological impact assessment (February 2024, DJOGS Limited).
- Section 6.2 Recommendations; Desirable, where applicable, of the Ecological impact assessment (February 2024, DJOGS Limited).

Reason: To avoid adverse impacts to legally protected species during site clearance and construction in accordance with the requirements of the NPPF to minimise impacts on biodiversity.

7. No external lighting shall be installed at the site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed at the site except in accordance with the above strategy.

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

8. At no time shall more than 2 pitches be provided on the application site.

Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026

9. The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers, as defined in the revised Planning Policy for Traveller Sites of December 2023.

Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and to maintain a supply of pitches.

10. The dayrooms hereby permitted shall only be used for purposes ancillary and/or incidental to the pitches upon which they are sited.

Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.

11. Within 3 months of the date of this decision*, an investigation into any contaminated land shall be carried out and a report submitted to the Local Planning Authority (LPA) for approval. The report shall:

(a) Include an investigation and risk assessment. A report of the findings shall: identify the nature and extent of any contamination on the site (irrespective of its origin); include an assessment of the potential risks to human health, property, and the environment; and include an appraisal of remedial options, and proposal of preferred option(s).

(b) Include a remediation scheme* which ensures that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

(c) Include a monitoring and maintenance scheme* to ensure the long-term effectiveness of the proposed remediation, and the provision of reports on the same that shall be submitted to and approved in writing by the LPA.

(d) Be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice.

Thereafter, any approved remediation scheme and/or monitoring and maintenance measures shall be carried out within 3 months* of the date of approval of the scheme/measures, and in accordance with the approved details. Two weeks written notice shall be given to the LPA prior to the commencement of any remediation scheme. Within 4 months of the date of approval of the scheme/measures, a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

(* Unless otherwise agreed in writing by the LPA)

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

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

INFORMATIVE:

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

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

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

4 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.

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

6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames

Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

7 This planning permission is granted in accordance with Section 73 A of the Town and Country Planning Act 1990.

Decision Date :- 21st June 2024

Bob Dray
Development Manager

TOWN AND COUNTRY PLANNING ACT 1990

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

Appeals to the Secretary of State

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

Purchase Notices

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