

PLANNING APPLICATIONS COMMITTEE

31 JANUARY 2024

ADDITIONAL INFORMATION

AGENDA ITEM	ACTION	WARDS AFFECTED	PAGE NO
5. PLANNING APPEALS	Information	BOROUGHWIDE	5 - 8
8. 230579/FUL & 230695/FUL - 109B OXFORD ROAD	Decision	ABBEY	9 - 12
11. 231644/REG3 - PARK LANE PRIMARY SCHOOL INFANTS DEPARTMENT, 55 SCHOOL ROAD, TILEHURST	Decision	TILEHURST	13 - 14
12. 231707/REG3 - PARK LANE PRIMARY SCHOOL JUNIOR DEPARTMENT, 130 SCHOOL ROAD, TILEHURST	Decision	TILEHURST	15 - 16

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Agenda Annex

UPDATE SHEET AND ORDER OF CONSIDERATION

Planning Applications Committee - 31 January 2024

Item No. 4 - Appeals. Officer report on appeal decision for land at Caversham Lake Watersports (North Lake), Henley Road, Caversham, RG4 9RA

Applications Without Public Speaking

Item No.	8	Page 33	Ward	Abbey
Application Number	230579 & 230695			
Application type	Full Planning Approval			
Address	109B Oxford Road			
Planning Officer presenting	Ethne Humphreys		*UPDATE*	
Item No.	9	Page 47	Ward	Coley
Application Number	231821			
Application type	Regulation 3 Planning Approval			
Address	Coley Primary School, Wolseley Street			
Planning Officer presenting	Julie Williams			
Item No.	10	Page 53	Ward	Southcote
Application Number	231580			
Application type	Regulation 3 Planning Approval			
Address	6 Circuit Lane			
Planning Officer presenting	Marcie Rejwerska			
Item No.	11	Page 63	Ward	Tilehurst
Application Number	231644			
Application type	Regulation 3 Planning Approval			
Address	Park Lane Primary School			
Planning Officer presenting	Julie Williams		*UPDATE*	
Item No.	21	Page 77	Ward	Tilehurst
Application Number	231707			
Application type	Regulation 3 Planning Approval			
Address	Park Lane Primary School			
Planning Officer presenting	Julie Williams		*UPDATE*	

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APPEAL DECISION REPORT

Ward: Out of Borough (adjacent authority)

Appeal Nos.: APP/Q3115/C/23/3320180 and /3320181

Planning Ref: 220761/ADJ

Site: Caversham Lake Watersports, Henley Lake, Caversham, RG4 9RA

Proposal: (Summary) 2x Appeals against Enforcement Notices requiring the cessation of use of the land for watersports and remediation of the site.

Decision level: Enforcement Appeals

Method: Public Hearing 5 December 2023

Decision: Appeals Dismissed and Enforcement Notices upheld

Date Determined: 18 January 2024

Inspector: A. Walker MPlan MRTPI

1. Background

- 1.1 Caversham Lakes is a low-lying area which directly adjoins the Borough boundary in the eastern extremity of Caversham, within South Oxfordshire District. The appeal site itself comprises a large lake, set within a complex of several other lakes which were previously a gravel pit. A single-track lane with passing places leads southwards towards the appeal site from its junction with Henley Road. The land at Caversham Lakes has been in unauthorised use as an outdoor watersports centre for a number of years. The centre provides opportunities for various non-motorised watersports, open-water swimming, associated changing/shower facilities, bar/food structures, 'beaches' and amenity spaces and parking.
- 1.2 The use was commenced without applying for planning permission and retrospective planning applications to attempt to retain the uses have been refused. Reading Borough Council was consulted on a retrospective application in 2022, application reference 220761 (South Oxfordshire Reference: P22/S1691/FUL). The Reading Borough Highway Authority objected to the proposals and these objections were presented to the South and Vale DC Planning Committee on 20th July 2022. These objections were subsequently forwarded to South Oxfordshire District Council and the planning application was refused on numerous matters including Highway safety.
- 1.3 The applicant (Cosmonaut Leisure Limited) however continued to operate the facility and as a result South Oxfordshire District Council (SODC) issued two Enforcement Notices ("Notice A" and "Notice B") to the landowner both dated 1st March 2023. An appeal was lodged against these Enforcement Notices, in an attempt to modify or dismiss their requirements.

2. Enforcement Notices

- 2.1 Notice A alleged the following breach of planning control was (in summary): Without planning permission the material change of use of the Land from gravel extraction to water based sport and recreational use, with a wide range of associated ancillary activities and equipment.

South Oxfordshire Council's reasons for issuing Notice A were:

- a) That the unauthorised development was not immune under the 'ten year rule'
- b) The full extent of the ecological impacts arising from the unauthorised material change of use of the Land and related ancillary activities have not been adequately assessed and there was therefore harm to biodiversity
- c) The material change of use of the Land has been facilitated by an eclectic mix of portable toilets, caravans, trailers, containers, tents, marquees, bins, buoys, used tyres, artificial grass, outdoor furniture, generators, machinery, sport and recreational equipment, fences and gates, other chattels and paraphernalia of a utilitarian character and appearance that 'sit uncomfortably within the tranquil rural character and appearance of its lakeside, landscape setting'.
- d) The increased traffic generated by the unauthorised material change of use of the Land is likely to have an adverse impact on the highway safety of the existing road network at the point that the shared access road to the site joins the signalised intersection of Henley Road.
- e) The unauthorised material change of use would increase the number of vehicular movements along the shared access road, which does not contain adequate provision for pedestrians and significant parts of which fall outside the site operator's control. The site does not provide safe and convenient pedestrian access and access to public transport sufficient to support the unauthorised sport and recreational use.
- f) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

2.2 Notice B alleged the following breach of planning control:

Without planning permission the undertaking of building, engineering and other operations, comprising:

- (i) the laying of sand and pea shingle to create artificial beaches
- (ii) creation of areas of hardstanding by the laying of gravel and artificial turf
- (iii) erection of various buildings
- (iv) the construction of a bridge and fences

2.3 South Oxfordshire Council's reason for issuing Notice B were as follows (in summary):

- a) The above breaches are not immune from enforcement action under the 'four year rule'
- b) The full extent of the ecological impacts arising from the unauthorised development have not been adequately assessed
- c) The unauthorised development is utilitarian in character and appearance, which sits uncomfortably within the tranquil rural character and appearance of its lakeside, landscape setting.
- d) The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

3. Summary of Decision(s)

3.1 **Notice A:** The appeal was technically held to 'succeed in part', specifically in relation to the use of fireworks on the site which was not proven by SODC to the

Inspector's satisfaction. The Inspector directed a modification to the Notice only in that respect, and in all other respects, **the Enforcement Notice was upheld**. The detailed requirements of the Notice are (in summary) to cease the use and remove all associated facilities and structures within four months.

3.2 **Notice B** The appeal was dismissed, the **Enforcement Notice was upheld** and planning permission refused. The detailed requirements of this Notice are (summarised) to remove all earthworks and related structures and undertake landscaping/ecological works within nine months.

4. Key issues for Reading Borough

4.1 This information appeal report shall concentrate on the key issues for Reading Borough, which are impacts on highway and pedestrian safety.

Highway Matters

4.2 Reading Borough Highway Authority provided both written and in person evidence at the Appeal Hearing in relation to point (d) (trip generation and the access road suitability) and (e) (pedestrian safety and accessibility to the site) of Notice A and supported Oxfordshire Council (OCC) as the adjacent Highway Authority. RBC was represented at the Hearing on Highways matters only, by Darren Cook, Highways Development Control Manager.

4.3 RBC Highways' main concern at the Hearing related to the increased number of vehicle movements at the T-junction with A4155 Henley Road and the impact this could have in regard to accidents given the unusual nature of the junction design, with it being very close to the A4155 Henley Road / C103 Caversham Park Road signalised T-junction.

4.4 Although the Inspector agreed with the trip rate data presented by the Appellant, the Inspector ultimately agreed with the Highway Authority regarding impacts on the junction highlighting that access into and out of the private access road would be difficult resulting queues of vehicles. The Inspector concluded that as a result of the significant increase in traffic and queues within the junction, there was a reasonable prospect that this could result in an unacceptable effect on highway safety.

4.5 Both highway authorities had concerns for the lack of pedestrian and cycle facilities between the A4155 Henley Road and the Appeal site. This concern was also shared with OCC who were responsible for assessing the internal highways aspect of the Appeal site.

4.6 The Planning Inspector agreed with the Highway Authorities that the access road has no designated pedestrian walkway and that the narrow width of the access road, which does not accommodate two way vehicular traffic, results in conflict with pedestrians walking to and from the Appeal site.

Character and Appearance

4.7 The Inspector found that although the lake is man-made through its excavation as part of the wider gravel pit complex, it has now been reclaimed by nature, with well-established, extensive vegetation around its edges, which provides numerous

habitats for a variety of wildlife. Overall, the lake provides an open, tranquil environment that makes a positive contribution to the character and appearance of the area and as a result the extensive range of temporary-looking structures provided on the site produces a harmful visual impact on the character and appearance of the area.

Biodiversity

4.8 The Inspector found that as a result of the Appellant not providing a biodiversity baseline of habitat units for the site, it was not possible for them to determine whether biodiversity net gain (BNG) was achievable and what measures may be appropriate. As a result the appeal failed in this regard through being demonstrably harmful to biodiversity.

Other matters

4.9 SODC and the Environment Agency raised issues of flood risk in these appeals, but at the Hearing agreed that these could be adequately mitigated by conditions, were the development otherwise acceptable.

4.10 Other aspects of the Appellant's appeal, that the notice requirements were excessive and that compliance periods were too short, were not accepted by the Inspector.

HEAD OF PLANNING, TRANSPORT & PUBLIC PROTECTION SERVICES COMMENT

Overall, the Enforcement Notices which have been upheld by the Planning Inspector require the Appellant to undertake numerous works on the site to restore it to its natural condition with timescales for certain works to take place between 4 and 9 months.

Officers welcome the dismissal of these appeals on highway and pedestrian safety grounds, which has been RBC's consistent position with respect to the unauthorised use. As can be seen from the above, the Inspector also found the unauthorised use and associated events, structures, etc. were materially harmful to the rural character of the area and had not proven suitability in terms of biodiversity. Although these concerns are beyond RBC's interest in these appeals, it is also welcomed that these concerns from South Oxfordshire/South and Vale DC were agreed by the Inspector.

It is not known at this point whether the Appellant is proposing to comply with these Notices or to challenge them in the Courts.

Case Officer: Richard Eatough

31 January 2024



Title	PLANNING APPLICATION UPDATE REPORT
Ward	Abbey
Planning Application Reference:	230579/FUL and 230695/FUL
Site Address:	109b Oxford Road, Reading
Proposed Development	<p>230579/FUL Replacement shopfront, signage, and front forecourt modification</p> <p>230695/FUL Change of use from Sui Generis (Betting Shop) to E(b) Restaurant with ancillary Sui Generis takeaway and canopy extraction to the rear of the property</p>
Applicant	Express Team Ltd
Report author	Ethne Humphreys
Recommendation	As per main report
Conditions	<p>As per main report, with condition wording in full as follows:</p> <p><i>230579/FUL (shopfront)</i></p> <p>1) The development hereby approved shall have been implemented and all unauthorised works (as set out in the extant Enforcement Notice dated 17 January 2020) shall have been removed from the site within 2 months from the date of this permission. REASON: In the interests of preserving the character and appearance of the Russell Street/Castle Street/Oxford Road Conservation Area in accordance with Policies CC7 and EN3 of the Reading Borough Council Local Plan 2019.</p> <p>2) The development hereby permitted shall ONLY be carried out in accordance with the following approved plans: Location and Block Plan Dwg No.1.0 Proposed Plans and Elevations Dwg No.3.0 REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.</p>

3) The materials to be used in the construction of the shopfront and forecourt of the development hereby permitted shall be as specified on the plans and in accordance with samples submitted.
REASON: In the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policies CC7 and EN3 of the Reading Borough Local Plan 2019.

4) No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.
REASON: In order to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policy CC8 of the Reading Borough Local Plan 2019.

230695/FUL (change of use and extraction)

1) The Class E (b) restaurant use hereby approved shall cease within 1 month from the failure to comply with any one of the requirements set out in conditions 2 and 3 of this permission 230695/FUL and the use shall not be carried out at any time thereafter.

REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions.

2) The development hereby approved shall have been implemented and all unauthorised works (as set out in the extant Enforcement Notice dated 17 January 2020) shall have been removed from the site within 2 months from the date of this permission.

REASON: In the interests of preserving the character and appearance of the Russell Street/Castle Street/Oxford Road Conservation Area in accordance with Policies CC7 and EN3 of the Reading Borough Council Local Plan 2019.


3) The Kitchen Ventilation System shall be installed strictly in accordance with the approved plans and specifications, including the mitigation measures specified within the odour and noise assessments 'Revised Noise Control Assessment Letter Ref MDR/J5015e dated 29th August 2023, Odour Letter Ref Project No 150 by Michael Bull & Associates dated September 2023'. The ventilation system shall be managed and maintained in accordance with the approved plans and specifications at all times thereafter.

REASON: To safeguard the amenity of nearby premises and the area generally in accordance with Policy CC8 and EN16 of the Reading Borough Local Plan 2019.

	<p>4) The development hereby permitted shall ONLY be carried out in accordance with the following approved plans: Location and Block Plan Dwg No.1.0 Proposed Plans and Elevations Dwg No.3.0 REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.</p> <p>5) The specific sound level of the kitchen ventilation system hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all kitchen ventilation system (or any part of it) is in operation. REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policies CC8 and EN17 of the Reading Borough Local Plan 2019.</p> <p>6) The premises shall not be open to the public outside the hours of 1130hrs – 2300hrs on Sundays to Thursdays and Bank Holidays and 1130hrs – 2330hrs on Fridays and Saturdays. REASON: In the interests of safeguarding the amenity of nearby occupiers, in accordance with Policies CC8 and EN16 of the Reading Borough Local Plan 2019.</p> <p>7) Hours for deliveries are restricted to 0800hrs to 2000hrs Monday to Saturdays and 1000hrs to 1800hrs on Sundays and Bank Holidays. REASON: To protect the amenity of neighbouring residents of the proposed development in accordance with Policies CC8 and EN16 of the Reading Borough Local Plan 2019.</p> <p>8) The measures within the approved bin storage and litter management plan shall be permanently retained, maintained and adhered to for the lifetime of the development. REASON: To control litter resulting from the use in the interests of the visual amenity of the area. In accordance with Policies CC7 and CC8 of the Reading Borough Local Plan 2019.</p> <p>9) The main use of the premises hereby approved shall be as a Class E (b) (Restaurant) only. REASON: To ensure that the Planning Authority retains effective control over the use of the premises and to safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policies CC8 and EN16 of the Reading Borough Local Plan 2019.</p>
Informatives	As per main report

1. Further to the publication of the main agenda report, the conditions for both applications have been set out in full as above.

Case Officer: Ethne Humphreys

31 January 2024	 Reading Borough Council <i>Working better with you</i>
Title	PLANNING APPLICATION UPDATE REPORT
Planning Application Reference:	231644/REG3
Site Address:	Park Lane Primary School (Infants), School Road, Tilehurst
Proposed Development	Demolition of an existing modular building and installation of a double stack modular building (GIFA approx. 360sqm). Further internal refurbishment of a number of rooms within the existing main building with modifications to external areas, including new play areas, replacement boundary and internal fencing and a new pedestrian access off School Road, to segregate vehicles and pedestrians entering the site, with new staff car parking.
Conditions Amended	3. Temporary permission for the modular unit only – reinstatement after 5 years unless extended 15. Amended to: SUDs to be provided as approved before occupation

1. Additional information provided

Surface water drainage

- 1.1 The applicant has responded to suggestions for alternative surface water drainage designs to make use of surface water for landscape maintenance.
- 1.2 There are constraints on the site which have dictated the design approach. The tree belt to the north reduces the area available when taking tree root protection zones into account and the natural topography of the site is mainly flat with little or no fall. There are also utilities and services, both existing and proposed, that traverse the proposed car park area from the highway into the site/new modular building. The new development will be served by electric, water, surface water drainage and the infrastructure for the Air Source Heat Sump. The geology of the site also means that shallow infiltration is not available. These constraints will also impact on the design of the tree pits for the new trees proposed to the west of the new building.
- 1.3 The proposed suds system and drainage strategy is to infiltrate the surface water run-off back into ground via a crate soakaway system > 1.2m depth. The car park has additional storage and a level of water quality treatment in the tanked sub-base material prior to discharging to ground in the crate system. The soakaway has been designed to cater for all storms up to and including the 1:100 yr + 40% climate change storm events.

Impact on trees & ecology


- 1.4 A revised planning drawing 7001-revP3 has been submitted to clarify that it is 8 trees that are agreed as being removed. Also, an updated AIA (Arboricultural Impact Assessment) for the Infants School application site has been provided. This identifies the areas where cellular confinement systems are now proposed for hard surfaces, which should assist with the concerns in this regard.
- 1.5 While the applicant considers that an AIA is in many regards as one might expect for an AMS (Arb Method Statement) it remains our Natural Environment officer's opinion that an AMS is still required with a supervision timetable and a clear Tree Protection Plan. This does not need to duplicate the content of the AIA but focus on the means of

construction, such as, the preparation of the foundations needed and how tree protection principles will be applied.

- 1.6 The applicant has confirmed a commitment to work to protect the existing trees and the green link as a whole and clarifies that the outdoor classroom canopy will use a no-dig raft base system. With regards to the planting of new trees they are happy to work with officers to identify the best locations and species for the proposed trees around the playing field site.
- 1.7 The applicant was also able to respond to the concerns raised by on ecology with an amended plan E05323-HCC-DR-L-7005 Rev P4 (below) setting out details of biodiversity planting. The amended plan has been agreed.
- 1.8 It has been pointed out that condition 3 (temporary permission) should only apply to the modular classroom structure and not the additional car parking and other associated changes proposed.
- 1.8 Finally, an up to date photograph of the application site is provided. The recommendation remains to grant planning permission for 5 years with amended conditions as shown above.



Current photograph of site

31 January 2024		 Reading Borough Council <i>Working better with you</i>
Title	PLANNING APPLICATION UPDATE REPORT	
Planning Application Reference:	231707/REG3	
Site Address:	Park Lane Primary School (Juniors), School Road, Tilehurst Reading	
Proposed Development	Replacement of current windows with double glazed aluminium windows. Internal refurbishment works, demolition of annex building on Downing Road and extension of car park.	
Amended Conditions	<ol style="list-style-type: none"> 1. The proposed fencing and landscaping adjacent to the vehicular access shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level. 2. Details of how remaining land on Annex site is to be made good and protected following demolition and creation of car park hereby permitted to be submitted for approval before demolition takes place 3. Arb Method Statement, which confirms protection of existing and new trees, is to be complied with. 	

1. Submitted amended plans for approval

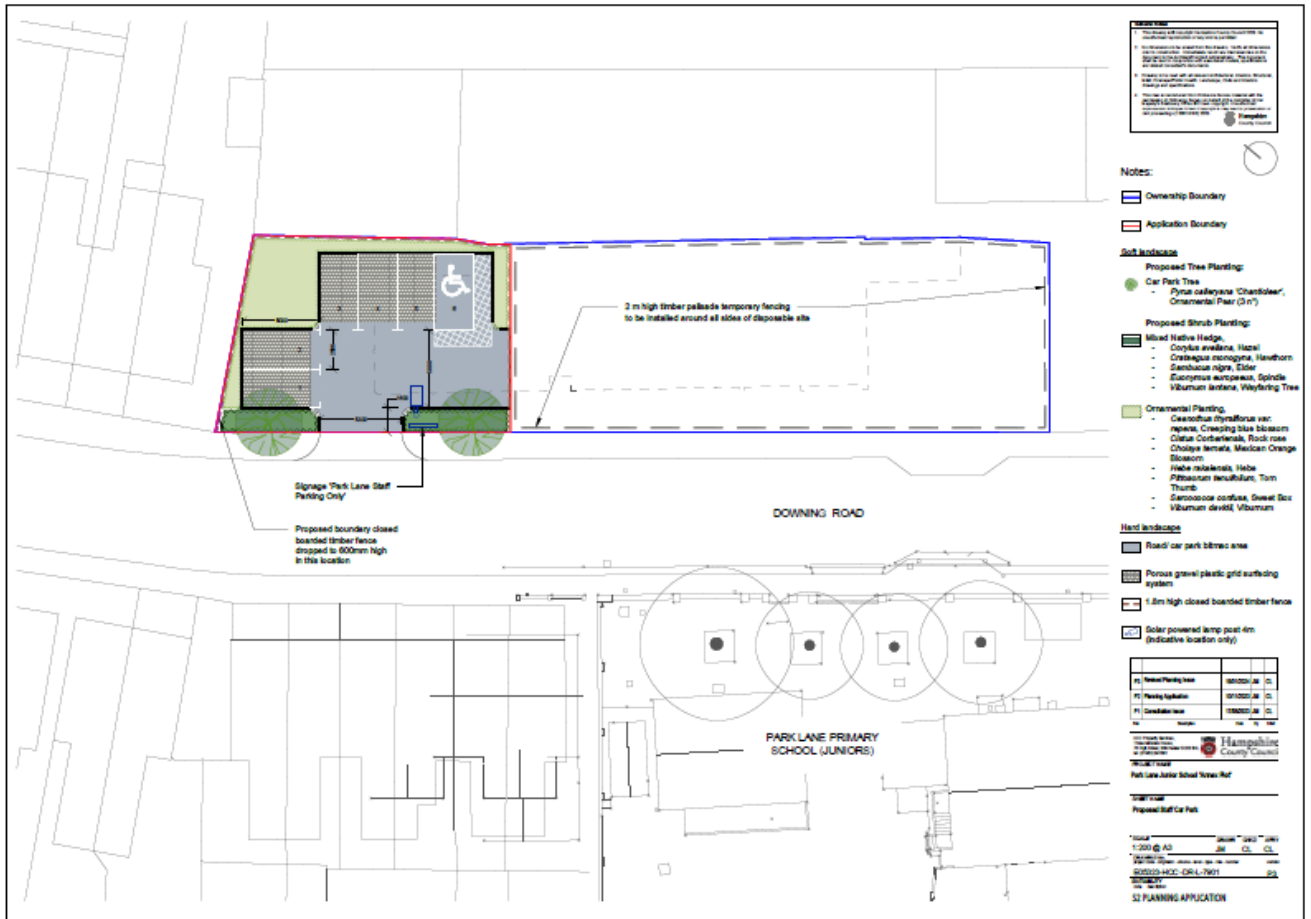
- 1.1 E05323-HCC-DR-L7901 Rev P3 – Amended Car Park Plan

Also, an acceptable Ecological Statement was submitted for this application but was omitted from the list of submitted documents in your main report.

2. Additional information provided

- 2.1 The applicant was asked to provide more details of how existing trees will be protected. This could then be approved as their method statement and condition then used to ensure it is followed. The applicant has confirmed that the same measures are to be taken for when the roof tiles were replaced to ensure existing trees are not harmed.
- 2.2 The applicant was also asked to reduce the height of the proposed 1.8m high closed boarded timber fence where it ran up to the pavement edge where it would obstruct visibility splays from the adjacent property. Transport have confirmed that the amended plan (Drawing ref E05323-HCC-DR-L7901 Rev P3) illustrates that the proposed fencing will be reduced in height to 600mm above carriageway level for a distance of 2m along the western elevation to ensure pedestrians can be seen by drivers exiting the site and adjacent driveway. The plan confirms that the hedge planted here will be maintained to this height. A relevant condition is shown above.
- 3.3 Images of the proposed new windows were provided as requested and these are shown below.
- 3.4 Officers are satisfied with the additional information provided and the proposed development remains recommended for approval but with amended conditions.

Plans



E05323-HCC-DR-L7901 Rev P3 – Amended Car Park Plan

Photos of same windows as proposed at other schools

