

Minutes:

Proposal: Application to vary condition 1 (relating to temporary and personal restrictions) of planning consent 181694 which was a variation to conditions 1 (names of residents) and 2 (number of pitches) of planning permission 152821 (appeal decision APP/X0360/C/15/3085493 dated 15/1/18) for the change of use of land for the stationing of caravans for residential purposes.

Applicant: Mr B, C and Ms C Maughan

The Committee received and reviewed a report about this application, set out in agenda pages 17 to 50.

The Committee were advised that the Members' Update included clarification that the site to date had not been promoted through the Local Plan Update call for sites exercises or subsequently, however the site would be subject to assessment through the local plan process.

Philip Bain, resident, spoke in objection to the application. Philip stated that more consideration and weight should be given to the noise and disruption caused by this site which in his opinion had not been fully realised within the Officer's report. Philip added that environmental health had been involved with this site and a complaint had been upheld regarding these matters. Philip stated that the site was near residential properties and consequently directly affected their amenity. Philip added that residents wanted clear clarification with regards to other pitch provision within the Borough, and why potential sites had been deemed as unsuitable, which was an arbitrary conclusion in his opinion. Philip stated that trade vehicles had been seen on site, despite conditions prohibiting the site being used for commercial activities. Philip raised concerns regarding police activity relating to the site, though confirmed that this was not a planning consideration. Philip was of the opinion that should this application be approved then Wokingham Borough Council (WBC) were not representing the local community as the site was, and would continue to, cause harm to the local and surrounding area.

Lettie Maughan, applicant, spoke in support of the application. Lettie stated that there had been no criminal activity on site and there had been a long history of claims made by local residents that the occupants were deceitful regarding their circumstances, all of which were untrue. Lettie stated there were no trade vehicles on site, and only one transit van. Lettie added that the application as presented was true and accurate. Lettie stated that the site was seen as devaluing local residential dwellings, however this site was necessary as refusing permission would make 18 children homeless as there was no other suitable site available. Lettie added that land swaps had been investigated but this had been unsuccessful, and there really was no other option for all current occupants. Lettie concluded by stating that some occupants had disabilities and 5 children lost their father last year which had added to their stressful situation.

Sarah Kerr, Ward Member, spoke in objection to the application. Sarah stated that this further application for temporary permission was frustrating, as the site was currently having a negative impact on residents, wildlife and the surrounding area. Sarah was of the opinion that if permanent planning permission would cause harm, then an

extension to the existing 2 year planning permission would cause harm in and of itself. Sarah stated that the site did not have enough screening in place and was causing harm as it was an urbanised site within a rural setting. Sarah added that temporary permission was originally granted due to human rights issues of the applicant, however, during that 2 year period what had been done to find an alternative site given that WBC had over 6 years pitch supply. Sarah stated that the applicant had not been moved to some alternative sites due to the families occupying nearby areas. Sarah stated that the number of occupants on site had grown over time, and there was a genuine fear that the site could become permanent, either through approval of permanent planning permission or continual approval of temporary permissions.

Simon Weeks reminded the Committee that it was not a planning consideration to consider the suitability of the applicant, nor was it within the Committee's remit to preclude an application that might be placed in the future.

Members raised a variety of concerns and queries with regards to this application, which were asked in succession. Graham Vaughan, Case Officer, responded to these comments en-masse at the conclusion of this round of Member comment.

Stephen Conway commented that the Inspector's original findings stated that the site would cause significant harm, however on balance of personal circumstances at the time temporary permission was appropriate. Stephen sought assurances that the applicant had made efforts to find an alternative site, and the reasons why some sites had been classed as unsuitable.

Andrew Mickleburgh was of the opinion that the Inspector clearly believed that a 2 year grant of planning permission should have been adequate. Andrew stated that he was concerned over the use of the phrase 'possible other sites' within the report, and queried whether it was realistic that a site would be found within the next 2 years. Andrew queried what monitoring occurred to review that only the named occupants were present on the site. Andrew queried the current speed limit of Blagrove Lane and whether speeds needed to be reduced as a result of this site.

Pauline Jorgensen noted that the Inspector's original judgment made comment that occupancy of the site should cease either after 2 years or when a suitable alternative site was found. Pauline queried why, when the Inspector had stated that the site should cease to be occupied after 2 years, the Officer recommendation was contradictory to this.

Abdul Loyes queried what efforts had been made by the applicant to source an alternative site, and whether a further application could be made for temporary permission in another 2 years.

Rachelle Shepherd-DuBey queried whether provisions would be made within the Local Plan Update to source additional pitches.

Chris Bowring was of the opinion that this application could not be refused, as the difference between now and the Inspector's original ruling was that there were additional children who were more engrained within the local community. Chris

suggested that this item be deferred to allow for more information to be provided regarding the efforts made by the applicant to find an alternative site.

Gary Cowan stated that having read a letter submitted by a resident regarding this application, there were clear concerns with regards to this site. Gary added however that the biggest issue with regards to this situation was the delayed Local Plan Update. Gary suggested that the application be approved for a 2 year time period, which would be subject to legal agreement, and an additional condition regarding screening of the site to negate light pollution.

Graham Vaughan responded to a number of Member queries. Graham stated that the Committee needed to determine the application on its own merit. Graham added that the issues raised with regards to this application were similar to the issues raised in 2018 when the Inspector allowed the appeal and granted temporary permission. Graham commented that the same weight should therefore be applied to the human rights and specific family reasons, as an Inspector would likely view these in the same light at appeal as the previous Inspector did in 2018. There was a strong weighting to the needs of the applicant and family, in particular the children living on site, considered by the Inspector in 2018. Graham stated that there was nothing preventing the applicant submitting a further application for temporary permission in the future, and each application would have to be judged on its own merit. Monitoring of the site, in particular the named occupants' condition, was enforced by the planning enforcement team. In addition to this, development management were in contact with the applicant periodically. Graham stated that the Inspector's decision in 2018 to grant a 2 year permission was likely due to the belief that WBC's Local Plan would be further progressed than it currently was.

Judy Kelly, Highways Development Manager, stated that there was a 30Mph speed limit for 160m south of the site, and good visibility splays were present. Judy added that no highways safety issues were raised by the Inspector at appeal in 2018.

James McCabe, Specialist Strategy & Commissioning Place, updated the Committee on the policy aspects of pitch supply within the Borough. James stated that there was currently a 6.25 year supply of pitches which was calculated on an annual basis. James added that of this deliverable supply of pitches, some had since been implemented but were understood to be occupied, while others were yet to be delivered. It was a material consideration as to whether a suitable alternative site was available to the applicant now or within a reasonable period of time. James stated that since the Council's latest annual supply position, an additional 5 pitches had been approved at Belvedere Park which would be incorporated into the next annual supply assessment. James stated that the Local Plan would consult on a number of private sites which had come forward as potential Gypsy and Traveller sites.

Pauline Jorgensen queried how long it took on average between planning permission being granted for a pitch to occupation of the site. Marcia Head, Development Management Team Leader, stated that it could easily take a year to enable conditions, for example a contaminated land condition, to take full effect.

A number of Members requested that further information be provided which detailed which alternative sites the applicant had considered, the dates that they were

considered on, why any potential sites were deemed as unsuitable and the current availability of sites across the Borough. Stephen Conway moved that the item be deferred to allow for the aforementioned information to be provided to the Committee in January. This was seconded by Pauline Jorgensen.

RESOLVED That application 192128 be deferred, to allow for further information be provided which detailed which alternative sites the applicant had considered, the dates that they were considered on, why any potential sites were deemed as unsuitable and the current availability of sites across the Borough – to be considered at the January Committee.

(Officer Note: At the time of print, these minutes would not have been agreed by the Planning Committee).