

Planning Rebuttal

**Town and Country Planning Act 1990
Section 78 appeal against the refusal of planning permission**

Witness: Mr Matthew Shepherd BSc, MSc.

Subject of Evidence: Planning

Appeal: APP/W0340/W/22/3292211

Site: Land at Lawrences Lane, Thatcham

Proposal: Change of use to 7 no. Gypsy/Traveller pitches comprising 7 no. static caravans, 7 no. day rooms, 7 no. touring caravans and associated works

Date: November 2022

Council Reference: 21/02112/FUL

Rebuttal

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Rebuttal Points

- 1.1 Point 35 raises questions in regards to the council's approach to CS18 of the development plan in relation to determined application. The Council would point out that each application is treated on its own merits and the merits and consideration of this case are that CS18 is applicable. The site is agreed as green infrastructure in the statement of common ground therefore the policy is required to be met. Dr Ruston's evidence does not reference the policy text of CS18 but mainly the supporting text. Whilst supporting text is important, compliance with CS18's policy text itself is the main consideration. There is no evidence as to how the development addresses the following issue,

“Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.”

- 1.2 Point 36 Dr Ruston's evidence states that it is common ground that the site PDL. This is not covered in the statement of common ground. It is agreed that the statement of common ground states the following;

“It is agreed that the site before it was developed was open grassland and therefore the application site comprised green infrastructure as defined by Policy CS18 of the West Berkshire Core Strategy.”

- 1.3 It has not been agreed that the whole site is PDL.
- 1.4 Furthermore Dr Ruston's evidence reference 10.15 of the LPA SOC, this does not exist in the council's statement of case. The LPA notes that this reference may be to 15.15 of the SOC. However, the appellant is invited to review the Council's evidence from 10.24 where this is explored in more detail and the councils position on different parts of the site (Red line and Blue Line areas) are explored.

Further comments on Drainage

- 1.5 Due to the agreement of an extension of time to the topic specific proof of evidence in regards to Drainage my evidence needs to be supplemented as follows.
- 1.6 Mr Bacchus's evidence explores that the applicant has not provided sufficient evidence of an appropriate drainage solution in accordance with best practice and national standards and it is therefore not possible to conclude that a compliant drainage solution is possible. Of primary concern to Mr Bacchus is the lack of consideration for constraints associated with the proposed discharge location (including both the connection into Acorn Close surface water sewers and the ditch), the omission of greenfield discharge rate calculations, the surface water storage/attenuation calculations, the viability of implementing a permeable paving solution and design considerations for the proposed basin and swale.
- 1.7 The Appellant's later submission of an Outline Sustainable Drainage Strategy marks an improvement in the approach to deal with SuDS matters, but unfortunately also raises fresh concerns. The language used with regards to greenfield volume suggests the applicant has changed their drainage strategy (i.e. using long term storage and agreed discharge rates as opposed to greenfield runoff rates), but has not made it clear. The incorporation of the permeable paving solution is not necessarily unwelcome, but a basic assessment of site levels and the suitability of the solution should have been provided. Site spatial constraints validate previous concerns with the information submitted and the lack of storage space provided.
- 1.8 Mr Bacchus's evidence concludes that the proposals as refused are unacceptable and contrary to policies CS16, of the West Berkshire Core Strategy Development Plan Document, the design principles contained in the WBC SuDS SPD, Section 134 of the NPPF, Non-statutory technical standards for sustainable drainage and C753 The SuDS Manual.