

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 JANUARY 2013

Councillors Present: David Allen, Howard Bairstow (Substitute) (In place of Ieuan Tuck), Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hewer, Roger Hunneman (Substitute) (In place of Julian Swift-Hook), Andrew Rowles (Substitute) (In place of Garth Simpson), Tony Vickers and Virginia von Celsing (Vice-Chairman)

Also Present: Jake Brown (Planning Officer), Derek Carnegie (Team Leader - Development Control), Sarah Clarke (Team Leader - Solicitor), Joe Dray (Principal Officer Environmental Quality), Paul Goddard (Team Leader - Highways Development Control), Caroline Grey (Environmental Control Officer), Matthew Meldrum (Principal Planning Officer), Lydia Mather (Planning Officer) and Elaine Walker (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Garth Simpson, Councillor Anthony Stansfeld, Councillor Julian Swift-Hook and Councillor Ieuan Tuck

PART I

35. Minutes

The Minutes of the meeting held on 12 December 2012 were approved as a true and correct record and signed by the Chairman.

36. Declarations of Interest

Councillor Tony Vickers declared an interest in Agenda Item 2, and reported that, as his interest was personal and prejudicial, he would be leaving the meeting during the course of consideration of the matter.

Councillors David Allen and Jeff Beck declared an interest in Agenda Item 1, but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

Councillors Hilary Cole, Roger Hunneman and Jeff Beck declared an interest in Agenda Item 2, but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

Councillor Paul Bryant commented that a number of Councillors had been lobbied on Agenda Item 1.

37. Schedule of Planning Applications

37(1) Application No. and Parish: 12/02395/FUL - Falkland Service Station, 170-174 Andover Road, Newbury

(Councillor David Allen declared a personal interest in Agenda item 4(1) by virtue of the fact that he was a member of the Newbury Town Council Highways and Planning Committee, but had not attended any discussions relating to this matter. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

(Councillor Jeff Beck declared a personal interest in Agenda item 4(1) by virtue of the fact that he was a member of Newbury Town Council, but had not taken part in any

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discussions relating to the matter. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 12/.2395/FUL in respect of the demolition of an existing service station to be redeveloped to provide a new petrol filling station.

In accordance with the Council's Constitution, Mr Anthony Pick, Parish Council representative, Mrs Fiona Dickens, Mrs Shields and Mr Edward Mason, objectors, and Mr Jonathon Harper, agent, addressed the Committee on this application.

Mr Anthony Pick in addressing the Committee raised the following points:

- Whilst Newbury Town Council had not objected to the application in principal, it was clear that there would be an impact on local residents and Newbury Town Council did not believe that this had been suitably considered;
- Residents felt that comments made to the current operator, in particular around the odour from petrol fumes, and noise from the air conditioning unit installed on the site, had not been listened to;
- Park House School was situated opposite the site, and it was believed that there would be an increased risk to the children's safety from the proposed alterations;
- There needed to be improvements made to the lighting arrangements should Members be minded to approve the application;
- No proposals had been put forward to deal with litter;
- No assurances had been given to local residents as to the effectiveness of remedial measures, for example the acoustic fencing;
- No reference had been made to the impact on surrounding shops of the increased size of the retail area;
- Mr Pick believed that any objections could have been avoided had an environmental impact assessment taken place and a full consultation process been undertaken with local residents and schools;
- Mr Pick did not believe that the application fitted with principles set out in the Council's Core Strategy, namely that planning should improve the areas in which people live;
- Mr Pick was concerned that the original application had apparently been submitted whilst the company was undecided on the location of the site. He advised that other towns in the UK had been mentioned within the application, and this led him to believe that there was no commitment to consider local residents during the development process.

Mr Pick requested that the application be deferred until a full consultation had taken place.

The Chairman asked what difference would have been expected had a full consultation taken place. Mr Pick responded that he believed that many of the objections had stemmed from residents not being consulted with to understand their concerns, and not from the development itself. He believed that a compromise could have been reached thus removing the need for the application to be brought before the Committee.

Mrs Fiona Dickens, Mrs Shields and Mr Edward Mason in addressing the Committee raised the following points:

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- The original approval to develop the site had predated current planning laws and Mrs Dickens did not believe that it would be allowed if the application was brought now;
- A previous planning application to further develop the site had been rejected;
- The opening hours had been extended twice previously, and a further extension was not considered necessary or desirable;
- Visitors to the service station currently parked in Falkland Road, which caused problems for residents, and it was believed that this arrangement would continue;
- No details of the expected noise level were included. This was of concern as the current external plant produced constant noise. Additionally, the noise tests had not been carried out at a time that was reflective of the summer months when windows would be open in neighbouring properties;
- Lighting on the site needed to be addressed to remove the current light pollution to neighbouring properties;
- The proposed fencing around the site would represent a loss of natural light for neighbours;
- Concern was raised regarding the odour of petrol fumes currently apparent around the site;
- The change to the entrance would traverse the grass verge which was not part of the property;
- Mr Mason reported being personally involved in approximately seven accidents at the entrance to the current site whilst he was running;
- Mr Mason told the Committee that when he had complained of the noise, he had been told that no action could be taken against individuals as the regulations were designed to protect the environment, not people;
- If the application were to be approved, it was requested that further conditions to mitigate these issues be included.

Councillor Beck requested further information from the objectors in relation to their experiences of the noise emanating from the site. Mrs Shields responded that two large fans at the back of the shop made being in her garden in the neighbouring property impossible.

Councillor Hunneman asked how Mrs Dickens felt about the proposed increase in height of the fences surrounding the site. Mrs Dickens replied that she would prefer the fence height to be left at the current level as the increase would block more light, but would not fully protect her home from view.

Mr Jonathon Harper in addressing the Committee raised the following points:

- His client wished to highlight the economic benefits of the development, in particular the creation of 15 jobs for local people;
- He reminded the Committee that a petrol station and shop were already in place on the site, and that this application represented an improvement to the facilities and appearance of the site;
- No objections had been raised by Highways Officers regarding safety considerations or parking; and no objections had been raised by Environmental Health Officers in relation to other issues;

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- Mr Harper advised that all of the proposals in the application had been agreed by Officers as appropriate, including the hours of operation and the specifics of the air conditioning unit;
- Mr Harper advised that the current jet wash was to be removed, and litter bins were to be installed;
- His client had responded to objections by amending the application to take account of additional parking provision, lighting, location of the air compressor and installation of acoustic fencing.

Councillor Beck asked what level of noise had been agreed as appropriate for the site. Mr Harper responded that no specific level had been agreed, however testing for ambient noise levels had been undertaken, and a condition had been imposed to ensure the noise level from the development would not exceed the normal background noise level. Mr Harper added that new technology would result in quieter machinery than at present. Mr Harper confirmed that the unit was likely to emit some noise, but that it would be, and was conditioned to be, at a lower level than normal surrounding noise, and would therefore not be heard.

Councillor Paul Hewer asked if the units would be switched off at night. Mr Harper responded that this had not been agreed yet, but confirmed that any noise levels would remain below the ambient level at night time as well as day time.

Councillor Virginia von Celsing expressed her dismay at the lack of consultation with local residents, and went on to reference in particular one neighbour's comment that the current sign lit up his house to an extent where he did not need house lights. Councillor von Celsing asked whether the applicant would be prepared to move the signage to an alternative location on the site such that the light would be less obtrusive. Mr Harper responded that the location of any advertising, including the main signage, would be subject to advertising consent which was a separate matter. However conditions had been included to require any lighting to be shut off when the site was not in use. Mr Harper added that newly installed lighting on the site would take advantage of new technology which would allow greater control over the level of spillage outside of the area, and any spillage would be expected to remain within ambient levels.

Councillor Andrew Rowles asked how long the existing garage had been in that location. Mr Harper replied that it had been there for approximately 10 years.

Councillor Hunneman asked what consultation had been undertaken. He commented that the site was known to be contentious and public consultation would have been expected. Mr Harper responded that the application had been considered to be minor in nature and an improvement to the site, and so a public consultation above that required statutorily had not been considered necessary. Feedback that had been received from Planning Officers had been positive and had given no indication that fuller consultation would be beneficial. He continued that any comments that had been received through the planning process had been addressed, and Parish and Town Councils had been written to in order to advise them of the scheme.

Councillor Cole asked for reassurance that the housing for the compressors on site would be suitable to contain any noise, especially when considering that the stop / start nature of compressors was likely to be more intrusive than a continuous noise. Mr Harper responded that any housing would be required to comply with the conditions added to the application ensuring that any noise did not rise above ambient levels.

Councillor Beck asked whether the applicant would be willing to install housing around the machinery that met hospital standards, which did not allow any noise to escape. Mr Harper believed that the applicant would be willing to accept this. Councillor Beck asked

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for this to be included as a condition. Following a discussion with Environmental Health Officers and Planning Officers, it was agreed that this would go beyond what was considered to be reasonable as the current conditions were suitable, but could be included as an informative.

Councillor Allen asked how many petrol pumps would be in the new design. Mr Harper responded that there would be six as at present. Councillor Allen went on to ask what retail products would be sold in the increased area of the shop. Mr Harper replied that the range of products would be similar to present but the increased space would allow a greater range. There would remain a single pay point in the shop, there would be no trolleys, and would be suitable for top up shopping only, so it was not intended to increase traffic to the shop.

Councillor Howard Bairstow requested further information about the entrances to the site and what impact the alterations would have on pedestrian safety. Mr Harper responded that the plan had been constructed in liaison with the Local Authority and that the surface would be altered at the entrance / exit to highlight the need to consider pedestrians.

Councillor Bairstow asked whether the shop was intended to be a competitor to local shops, and whether it was expected to be a destination shop. Mr Harper responded that the shop would be a convenience store for those already intending to visit the site. A traffic assessment had been carried out and concluded that whilst there might be a small increase in traffic, it remained within levels considered acceptable to Highways Officers. Derek Carnegie added that local competition was not within the remit of the Committee to consider when deciding planning applications.

Councillor George Chandler asked whether the new 10,000 litre fuel storage tank would be additional or a replacement for the existing tank. Mr Harper responded that it would replace the existing tank. He went on to confirm that delivery arrangements would remain the same as at present where the site would be closed whilst fuel deliveries were made. The replacements being made would allow new technology to be used, and would still be required to operate within current fuel regulations.

In his capacity as Ward Member, Councillor Bairstow raised the following points:

- The general principal of the proposal appeared reasonable, however there were a number of areas of concern:
 - The location of parking on the site appeared to be problematic when negotiating cars at the petrol pumps;
 - It appeared likely that parking on Falkland Road would continue, especially if the on site parking was difficult to access;
 - There remained concern for pedestrian safety as the amount of safe space between entrance and exit had been reduced. This was of particular concern due to the school located opposite the site;
 - There remained concern about the noise levels from the site;
 - A public consultation should have been carried out.

Councillor Bairstow proposed that the application be deferred until consultation had taken place with local residents. Derek Carnegie informed the Committee that Planning, Highways and Environmental Officers had been satisfied that the improvements to the site resulting from the proposal would provide better facilities, and the use of newer technology and imposition of conditions would mitigate residents' concerns. He added that he believed the application to be well thought through and appropriate to the location. Sarah Clarke advised the Committee that they should consider carefully

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whether it was appropriate for them to compel the applicant to undertake further consultation that was not statutory. The proposal was not seconded.

The Chairman invited Joe Dray to respond to concerns relating to environmental health. Joe Dray advised the Committee of the following points:

- The roof plant would use up to date technology and would be required to be installed to relevant standards. The noise emitted was conditioned not to be greater than the background level. Any complaints that might be raised in the future would be reviewed under the Environmental Protection Act;
- The noise of the plant starting and stopping had been taken into account. Joe Dray clarified that the 5 decibel penalty listed in the conditions related to the intermittent nature of the plant;
- Any fumes from the site were governed by pollution regulations. Joe Dray was satisfied that the development would be an improvement on the existing site and he would not expect there to be any noticeable fumes;
- Any complaints would be investigated appropriately.

The Chairman invited Paul Goddard to respond to the concerns relating to highways. Paul Goddard advised the Committee of the following points:

- The southern access had not changed width, however the northern access had increased from 8 metres to 9 metres wide and had been moved south. There would remain an area of 4.6 metres between the two which was considered a suitable size to provide shelter to pedestrians.
- The retail unit was expected to increase the number of visitors to the site, but not significantly;
- The concern regarding the proximity to schools and resulting pedestrian movements had been addressed by introducing a dropped kerb on Falkland Road, and the inclusion of a red surface at the entrance and exit to indicate the presence of pedestrians;
- There were no recorded or recordable road traffic accidents in the vicinity of the site over the past three years.

Councillor Vickers commented that there would soon be new housing in the area, and with an increased population, competition was unlikely to be an issue. He noted the increase in employment opportunities and believed that access to the site would be improved. Councillor Vickers further believed that the opportunity to invest in newer technology would be advantageous. However Councillor Vickers was sympathetic to residents' views, and that they had not been fully consulted with and asked for reassurance that their concerns had been addressed prior to the application being approved.

Councillor Hunneman asked for clarification as to the closing time on Sundays as the report and update sheet differed by one hour. Lydia Mather responded that the applicant had requested to remain open until 10pm on Sundays and Bank Holidays, an hour later than advised by Planning Officers, however as deliveries would cease at 6pm on these days, the later time was considered acceptable.

Councillor Vickers proposed that the Officer's recommendation to approve the application be agreed subject to amending the conditions to close at 9pm on Sundays and Bank Holidays. Councillor Allen seconded the proposal.

Following further questioning relating to the noise from the compressor and air conditioning units, Lydia Mather explained that the compressor would be housed within

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the acoustic fence which would reduce the noise level by 15 decibels. This would result in the noise emitted meeting the condition for not being greater than the background noise level.

The Chairman reminded the Committee of the proposal to agree the Officer recommendation subject to an amendment to close at 9pm on Sundays and Bank Holidays, and further suggested that Councillor Beck's suggestion regarding hospital standards for noise for the housing of the air conditioning units be added as an informative.

At the vote the proposal was carried.

RESOLVED that the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with:-

- Drawings 110643_PL3G, 110643_PL4E, proposed lighting layout DM17, gw lighting specification received on 14 January 2013;
- Site sections of 110643_PL5A received on 29 November 2012;
- Phase 1 Environmental Assessment SLR Ref: 412.03953.0002.009 REV_1 July 2012 received on 29 November 2012;
- Noise Assessment Report 12/3440/R2-2 received on 29 November 2012;
- Noise Assessment memorandum 12/3440/M2 received on 14 January 2013;
- Transport Statement ADL/AMC/H829/23A July 2012 received on 29 November 2012,

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the submitted details assessed against Policies CC6, NRM1, NRM2, NRM9 and NRM10 of the South East Plan Regional Spatial Strategy for the South East of England 2009, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6, and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

3. The materials to be used in the development hereby permitted shall be as specified on the application form and drawing 110643_PL3G received on 14 January 2013. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: To ensure the materials are of a quality appropriate to the nature of the development, the site and its surroundings. This condition is imposed to comply with Policies CC6 of the South East Plan Regional Spatial Strategy for the South East of England 2009, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

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4. The building hereby approved shall achieve Excellent under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The building shall not be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for the development, has been issued, and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CC1 and CC4 of the South East Plan Regional Spatial Strategy for the South East of England 2009, Policy CS15 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design 2006.

5. If, during development, contamination not previously identified is found to be present at the site the developer shall inform the Local Planning Authority immediately. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until any subsequent investigation/remedial/protective strategy and/or works deemed necessary by the Local Planning Authority, have been approved in writing by the Local Planning Authority and implemented as approved to agreed timescales. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

Reason: The site had low level historical hydrocarbon contamination and further proposed groundwater monitoring should demonstrate groundwater quality has not deteriorated since last measured in 2007. If conditions have worsened then remedial works may be required.

National Planning Policy Framework 2012 (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

6. Prior to the development being brought into use, the highway works subject to a Section 278 of the Highways Act 1980 agreement, shall be provided in accordance with the approved plan H829-100 Revision A and email from Tony Chapman received on 9 January 2013.

Reason: In the interest of road safety and highway maintenance and in accordance with Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

7. Prior to the commencement of building and other operations on site the vehicular, pedestrian / cycle accesses and associated engineering operations shall be constructed in accordance with the approved drawing.

Reason: In the interest of highway safety and to accord with Policy CS13 of the West Berkshire District Core Strategy 2006-2026 and in the interest of highway safety.

8. The existing part of the northern vehicular access shall be stopped up and abandoned immediately after the new accesses hereby approved have been brought into use. The footway and verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

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Reason: In the interest of road safety and highway maintenance and in accordance with Policies CS5 and CS13 of the West Berkshire District Core Strategy 2006-2026 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

9. Prior to the development being brought into use the vehicle parking and/or turning spaces shall be provided in accordance with the approved plans. The parking and/or turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

10. No development shall commence until details of the cycle parking and storage space to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking and storage space shall be provided prior to the development being brought into use in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site that reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policies CS 5 and CS 13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

11. The vehicle entrance and exits shall be closed for refuelling deliveries and be visible as closed by passing traffic, for example by the use of traffic cones. The vehicle entrance and exits shall remain shut for the duration of the refuelling tanker on site.

Reason: In the interests of road safety due to the constraints of the site whereby refuelling tankers block the vehicle entrance and exit in accordance with Policies CS 5 and CS 13 of the West Berkshire Core Strategy 2006-2012 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

12. No development shall take place until a Method of Construction Statement, to include details of:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials within the site
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: To reduce noise and disturbance during the construction period which would be harmful to the living conditions of neighbouring properties and minimise the level of disturbance on the surrounding area during the construction period. In the interests of neighbouring amenity and highway safety, in accordance with Policies CS 5, CS 13 and CS 14 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

13. Demolition or construction works shall not take place outside the following hours:
7:30am to 6:00pm Mondays to Fridays;

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8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers, in accordance with Policy CS 14 of the West Berkshire Core Strategy 2006-2026.

14. During the demolition and construction works, no deliveries shall be taken at the site outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding residents, in accordance with Policy CS 14 of the West Berkshire Core Strategy 2006-2026.

15. No development shall take place until a scheme of works or such other steps as may be necessary to minimise the effects of dust and dirt from the development has been submitted to and approved in writing by the Local Planning Authority. Development shall not commence until written approval has been given by the Local Planning Authority. The scheme shall be implemented in full during the construction period.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policies CS 14 of the West Berkshire Core Strategy 2006-2026.

16. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise coming from it does not at any time increase the ambient equivalent continuous noise level as measured according to British Standard BS4142:1997 at any adjoining or nearby residential property.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area in accordance with Policy NRM10 of the South East Plan Regional Spatial Strategy for the South East of England 2009, Policy CS 14 of the West Berkshire Core Strategy 2006-2026, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

17. No additional flood lighting or external lighting other than that hereby approved shall be installed unless details have been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination.

Reason: In the interests of visual amenity and/or highway safety in accordance with Policies CS 13 and CS 14 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

18. The hours of all external illumination on site including flood lighting and fore court canopy lighting be limited to 06:45 to 22:15 Monday to Saturday and 07:15 to 21:15 Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of nearby residents in accordance with Policy CS 14 of the West Berkshire Core Strategy 2006-2026.

19. No deliveries shall take place outside of the hours of 07:00 to 22:00 Monday to Saturday and 08:00 to 21:00 on Sunday and Bank Holidays.

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Reason: To safeguard the amenity of surrounding residents in accordance with Policy CS 14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

20. No development shall commence until details of the specification of the 3 metre acoustic fence on the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of adjoining occupiers in accordance with Policy CS 14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007 and Policy NRM10 of the South East Plan Regional Spatial Strategy for the South East of England 2009.

21. The ancillary retail floor space hereby approved on site shall remain at 250m², with remaining floor space to remain as 'back of house', as shown in drawing 110643_PL3E received on 9 January 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retail element of the development does not have a materially greater impact on local amenity or highway infrastructure than that approved or a materially greater impact than the principal sui generis use of the petrol filling station in accordance with Policies CS 5, CS 13 and CS 14 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

22. The retail and 'back of house' floor space hereby approved shall remain ancillary to the principal sui generis use of the site as a petrol filling station.

Reason: To ensure no separate retail use is created or operated from the site which would be contrary to Policies Area Delivery Plan Policy 2, CS 5, CS 13, CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

23. Provision shall be made on site for litter bins for public use to be installed prior to the development being brought into use and retained thereafter.

Reason: To reduce litter generated by custom at the site in the interests of local amenity in accordance with Policy CS 14 of the West Berkshire Core Strategy 2006-2026.

24. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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Reason: To ensure that the development does not result in greater flood risk in accordance with Policy CS 16 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework 2012.

25. No materials, products, plant or equipment shall be stored, displayed, located or fixed at the site unless approved in writing by the Local Planning Authority.

Reason: In the interests of the safe operation of the site and neighbouring amenity in accordance with Policy CS 14 of the West Berkshire Core Strategy 2006-2026.

26. Notwithstanding any indications of the design and external appearance of the shop front, including fascias, on the plans hereby approved full details shall be submitted to an approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason: The application does not contain full details of the external appearance of the shop front to provide the Local Planning Authority to consider their impact in accordance with Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026 and Policy CC6 of the South East Plan Regional Spatial Strategy for the South East of England 2009.

27. No development shall commence until full details of how the demolition spoil will be removed from the site have been submitted to and approved in writing by the Local Planning Authority. The spoil shall be disposed of in accordance with the approved details.

Reason: To ensure the safe removal and disposal of demolition spoil and waste from the site in the interests of local amenity and the character of the area in accordance with Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, Policy OVS.5 of the West Berkshire District Local Plan Saved Policies 2007, and Policies CC4 and CC6 of the South East Plan Regional Spatial Strategy for the South East of England 2009.

28. The development hereby permitted shall not be open to customers outside of the hours of 07:00 to 22:00 Monday to Saturdays and 07:30 to 21:00 Sunday and Bank Holidays.

Reason: To safeguard the amenity of surrounding residents in accordance with Policy CS 14 of the West Berkshire Core Strategy 2006-2026, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

The decision to grant This decision has been taken having regard to the policies and proposals in the South East Plan Regional Spatial Strategy for the south east of England 2009 West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

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. 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

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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.

3. 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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
- 4 The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area, or the quality of life of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
- 5 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
- 6 The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 7 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Highways (Planning) Manager, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD, tel. no. 01635 519169, before any development is commenced.
- 8 In the interests of fire and rescue any gates erected on site for emergency access shall provide 3.1 metres clear opening.
- 9 Petrol/oil interceptors shall be installed in all car parking facilities and effective use thereof so no oil pollution discharges enter local watercourses.
- 10 The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.
- 11 In the interests of amenity the applicant is requested to implement noise attenuation measures that meet 'hospital standards'.

38. **Application No. and Parish:12/02655/COMIND - Red Shute Industrial Estate, Red Shute Hill, Hermitage**

(Councillor Hilary Cole declared a personal interest in Agenda item 4(2) by virtue of the fact that she was a member of Chieveley Parish Council where the matter had previously been discussed, however she would apply a fresh view to the information presented, and she was also Portfolio Holder for Environment. As her interest was personal and not prejudicial she determined to take part in the debate and vote on the matter).

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(Councillor Roger Hunneman declared a personal interest in Agenda item 4(2) by virtue of the fact that he knew Mr Marriage, an objector. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

(Councillor Tony Vickers declared a personal and prejudicial interest in Agenda item 4(2) by virtue of the fact that he knew Mr Marriage, an objector, well. As his interest was personal and prejudicial he left the meeting and took no part in the debate or voting on the matter).

(Councillor Jeff Beck advised the Committee that he had been lobbied on Agenda item 4(2.))

(20:13: Councillor Vickers left the meeting)

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 12/02655/COMIND in respect of the change of use of an industrial unit to include a skip waste recycling and transfer facility.

Councillor Cole highlighted to the Committee that the application was of significant interest to two adjoining parishes of Hermitage and Chieveley and requested that representatives from all three parishes be allowed to speak. Councillor Cole proposed that the Cold Ash representative be allowed five minutes, and the Hermitage and Chieveley representatives be allowed to share a further five minutes. This would result in all speakers having 10 minutes in which to speak. The Chairman put the proposal to the vote and it was carried.

In accordance with the Council's Constitution, Councillor Geoff Findlay (Cold Ash), Mr Mark Kerry (Hermitage) and Mr Rob Crispin (Chieveley), Parish Council representatives, Mr Stewart Wright, Mr Christopher Marriage and Mr Mike Schofield, objectors, and Mr Kevin Parr, agent, addressed the Committee on this application.

Councillor Geoff Findlay in addressing the Committee raised the following points:

- The Waste Local Plan set out the method for the treatment of waste in West Berkshire and the Red Shute location was not mentioned, nor did he believe there was a proven requirement for the additional provision;
- Skip clearing facilities were required to comply with environment agency licensing conditions with regard to odour, etc;
- The location was on the boundary of the Area of Outstanding Natural Beauty (AONB) and Councillor Findlay believed that if the application would not be acceptable in the AONB, then it should not be acceptable in its current location. He reminded the Committee that the Planning Inspector had implied that any waste processes were harmful to the AONB in his decision relating to an incinerator application;
- Skip recycling was already available in West Berkshire;
- Councillor Findlay was opposed to the development on environmental grounds, because of dust and odour, and due to the surrounding roads which he believed were unsuitable for heavy traffic;
- The application noted that the site was expecting to process 18,000 tonnes of skip waste, approximately one fifth of the total household waste collected by West Berkshire, which he believed to be a very high level for a small facility;
- It was not possible to be certain that the skips being collected would not contain unsuitable materials which could attract vermin to the site;

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- The agreement for the doors to the facility to remain closed at all times of operation was of concern as the doors would need to be opened to allow access and exit of skip vehicles.

The Chairman asked what impact on the AONB was expected when the building to be used already existed. Councillor Findlay responded that the concern was for the future use of other Industrial Estate units.

Mr Mark Kerry and Mr Rob Crispin in addressing the Committee raised the following points:

- Three Parish Councils and 46 residents had expressed their concern that the facility would have an adverse effect on the area;
- The applicant did not have a licence to deal with putrescible materials, but could not prevent it from arriving;
- A neighbouring unit had written in their letter of objection that should the facility go ahead they would have to move their business, with a potential loss of 20 jobs. This did not compare favourably with the creation of four jobs at the facility under consideration;
- The skip vehicles could be expected to travel from the M4 and A34 via Priors Court Road and the A4009 through Hermitage to access the site. This involved crossing a narrow bridge with a bend which gave limited visibility and would be difficult to negotiate. The route was a busy road and any incidents would exacerbate traffic issues;
- It was not considered acceptable to allow skip movements from 7am.

The Chairman asked why the adjoining business believed they would need to move. Mr Crispin responded that they supplied products to the gas industry who operated extremely strict regulations with regard to the cleanliness of supplier facilities.

Mr Stewart Wright, Mr Christopher Marriage and Mr Mike Schofield in addressing the Committee raised the following points:

- The application advised that there would be an expected 26 skip movements each day, however Mr Wright believed that this was underestimated and that 40 or more movements would occur, with six bulk waste movements each day. He believed that this level of heavy traffic was excessive for a light industrial unit and believed that the impact of the volume of traffic had been understated;
- The application had been modelled with the assumption that the doors would remain closed whilst machinery was in use. However there would be a requirement for the doors to be open as skips arrived, left and for the subsequent removal of bulk waste, and Mr Wright did not believe it would be possible that the machinery would not be in use whilst the doors were open;
- There would inevitably be some loss of litter from arriving skips, however there was no barrier around the unit, and no litter plan;
- Dust would arrive with every skip. Whilst this could be managed internally through the use of dust extraction systems, it could not be managed outside;
- Vermin would be attracted by the contents of skips as it was not possible to control what was disposed of in a skip;
- The space and site were considered to be too small. An established grain mill nearby processed the same volume of product, but was four times bigger than this unit;

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- Mr Marriage believed that as a waste facility, it should be considered outside of the normal planning process due to its dirty and noisy nature. He believed the facility should be located on a designated waste site as set out in the Waste Local Plan;
- The traffic report stated that there had been no accidents on the bridge or at the junction with Red Shute Hill, however Mr Schofield was aware of several accidents in the vicinity.

Councillor Beck asked if, in the objectors' opinions, the location of the noise sensor did justice to the noise levels. Mr Wright responded that he did not believe the sensor had been located in a position that would fairly represent the noise levels that would be experienced in neighbouring properties.

Mr Kevin Parr in addressing the Committee raised the following points:

- There was a clear move nationally to reduce the amount of waste being sent to landfill, and increase the amount being recycled or reused. This application supported this position;
- The facility would service skip users within an 18 mile radius of the site. Currently much of this waste was transported to Swindon – a much greater distance;
- The recent application for an incinerator in the area was not comparable as it would have represented a new facility. This application looked to use existing buildings;
- The facility would be fully contained within the building which was of an adequate size for the proposed operation;
- The roller shutter doors would remain closed during the operation of any plant within the building;
- Mr Parr was content that the level of vehicle movements reported was accurate and that the noise level test locations had been suitable;
- Discussions had been held with the Environment Agency, and a permit would be granted that prevented the handling of putrescible waste. It was acknowledged that there was limited control over what would arrive on site, but where waste was not of an allowable type, it would be immediately quarantined and moved off site;
- The current permissions for the unit allowed vehicle movements in excess of those proposed.

Councillor Beck commented that whilst the applicant could be fairly certain of the number of skips it would receive, it could be less certain of the tonnage contained within those skips. Mr Parr responded that the tonnage reported was what the applicant believed there was a market for, and that the range and size of skips might vary, but confirmed that the building had a maximum tonnage that could be processed and he was comfortable with the estimates provided.

Councillor Beck went on to ask how Mr Parr could assure the Committee that the doors would not be open whilst machinery was operating. Mr Parr responded that it had been conditioned that no machinery would operate whilst the doors were open for skip depositing or collection, etc. He added that a ventilation system would be installed to help draw dust into the building from the outside.

Councillor Beck further asked what consultation had taken place with neighbours. Mr Parr responded that full explanations had taken place with the landlord and immediate neighbour. Mr Parr also informed the Committee that the noise assessment had included the loading and unloading of skips and was found to be acceptable.

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Councillor Cole asked what proportion of the skips were to be from domestic properties and what proportion would be commercial. Mr Parr was not able to provide figures, but confirmed the service was to be available to the whole of the local market and the proportion might vary over time.

Councillor Cole confirmed that this was a new business venture and asked how much waste would be received from within West Berkshire and how much from outside the area. Mr Parr responded that the facility would service an area covering an 18 mile radius from the site, some of which would fall outside of West Berkshire.

Councillor Cole asked how much of the waste would be recycled and how much would go to landfill. Mr Parr replied that it was expected that approximately 80% would be recycled.

Councillor Cole finally asked how the applicant intended to manage asbestos if it was found in a skip. Mr Parr responded that if asbestos were to be identified, it would be immediately quarantined in a lidded skip.

Councillor Rowles asked what steps were being taken to advise customers of what was permitted to be disposed of in the skip they had hired. Mr Parr responded that clear instructions were given when skips were delivered to customers, however it was not possible to guarantee that no putrescible waste would be disposed of in this way. As the applicant was not permitted to handle putrescible waste, this would be removed when identified.

Councillor Cole asked what arrangements had been made to store the reclaimed materials due for recycling when the market for such materials was not favourable. Mr Parr explained that the facility had been set up to receive, sort, bale and export all material, so it would be removed from site once processed.

Councillor Chandler asked whether the applicant was comfortable that there would be space within the building to sort the many different types of recyclable waste that might arrive prior to export. Mr Parr responded that this had been considered and would take place within the building.

The Chairman asked where other nearby installations were located. Mr Parr listed facilities in Theale, Beenham, Colthrop and Swindon. Matthew Meldrum added that further facilities existed at Chilton, Kintbury and Tadley.

In her capacity as Ward Member for Chieveley, Councillor Cole raised the following points:

- The volume of waste expected to be processed appeared high compared to the total amount of domestic waste across West Berkshire, of which 50% was recycled;
- Councillor Cole did not believe that enough consideration had been given to the storage of sorted materials whilst awaiting a stronger market for their sale, and that the volatility of the recycled materials market might make the business unviable;
- There were concerns relating to the import of large volumes of waste from outside the area as it was unclear at present how much would be generated within the district and how much from outside. This had proven to be an argument for refusing the incinerator application;
- There were concerns relating to the use by heavy vehicles of the rail bridge and surrounding roads which were expected to cause further congestion in the area, especially at peak times. Councillor Cole advised the Committee that the natural route from the M4 and A34 would pass the Showground.

Councillor Cole proposed that the Officer recommendation to approve the planning application be rejected. Councillor Chandler seconded the proposal.

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The Chairman invited Matthew Meldrum to comment. Matthew Meldrum advised the Committee of the following points:

- The site was not located in the AONB;
- Conditions would be imposed to address concerns relating to the size of the facility, noise levels and storage of materials;
- There was an existing permitted use which could allow a greater level of traffic movement. Environmental Health Officers had been satisfied with the application subject to conditions being imposed as set out in the report;
- The incinerator application was not comparable as it was a far bigger operation.

The Chairman asked if the Council had a policy against the import of waste. Matthew Meldrum responded that there was no policy and there was acceptance that waste would cross boundaries.

Derek Carnegie reminded the Committee that it was not for the Committee to consider whether the facility would be viable, that was a matter for the applicant. He questioned whether an alternative occupier of the unit would produce less noise, waste, traffic and storage issues. He reminded the Committee that Bailey's Buses ran from the site, so the argument for unsuitable roads was difficult to argue.

The Chairman invited the Committee to vote on the proposal to refuse planning permission. At the vote the proposal was carried.

RESOLVED that the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

Reasons

- The size of the facility was too small;
- The location was unsuitable;
- Noise levels would be too great;
- Dust levels would be too great;
- Unpredictable levels of material arriving and requiring storage;

(21:30: Councillor Vickers re-joined the meeting.)

39. **Application No. and Parish: 12/02420/FULD - 20 Manor Crescent, Compton**

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 12/02420/FULD in respect of the erection of a single dwelling.

In accordance with the Council's Constitution, Ms Alison Strong, Parish Council representative, Mr Colin Jackman, objector, and Mr and Mrs Pipikakis, applicants, addressed the Committee on this application.

Ms Alison Strong in addressing the Committee raised the following points:

- Whilst mindful of the Parish Council's role in enabling appropriate evolution of the village, the application went against the Parish Design Statement and had therefore resulted in strong objection from the Parish Council;
- Recent debate in the House of Commons had resulted in Local Authorities being able to resist development of gardens;

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- The area in question comprised family homes, built at a similar time with appropriate spacing around them. Some were extended but all were in keeping with each other. The proposed development would have a detrimental impact by reducing the size of the family home and garden at number 20 Manor Crescent;
- The green space in front of the crescent was used by children to play, and the proposed development would require access across this green space;
- The application did not meet the needs of Compton;
- Occupation of the new property was likely to be through lettings, not sale, as the level of mortgage approvals was falling.
- Councillor Vickers asked whether there was other detached housing in the road. Ms Strong responded that at one end of the road there were a number of detached bungalows, and at the other a detached house that used to be the police house. None were visible from the crescent.

Mr Colin Jackman in addressing the Committee raised the following points:

- As the adjoining neighbour Mr Jackman's family would be particularly affected by the additional property;
- Whilst extensions were welcomed, the addition of a dwelling was not;
- Mr Jackman believed that the addition would make his property appear terraced and might therefore affect its value;
- Mr Jackman was concerned that the addition would set a precedent;
- There was a concern over the capacity of the drainage system to cope with an additional property. The existing drains were understood to be underdeveloped and blockages occurred on occasion;
- The green area was used as a play area by local children as it was set back from the road. An additional driveway would increase the risk of an accident;
- Mr Jackman did not believe the current owners had been in residence long enough to accurately assess the use of the area and in particular the green space;
- The disruption caused by the demolition of the existing structure would cause bad feeling and result in any occupants being unwelcome in the area.
- Councillor Hunneman requested clarification regarding access across the green space in front of the site. Mr Jackman responded that the green was owned by the Council, and that in front of this house it was at its deepest so was considered a good area for children to play in.

Mr and Mrs Pipikakis in addressing the Committee raised the following points:

- Mr and Mrs Pipikakis had worked extensively with Planning Officers to develop a plan that had been recommended for approval;
- Two objections had been received but neither overlooked the site. The immediate neighbour to the other side of the development had not objected;
- Access across the green had already been approved for number 20, and other houses in the crescent had access across the green to reach their properties. Any damage to the green by vehicles involved in the development would be made good;
- Having previously lived in Chieveley they felt they knew the area sufficiently to understand how the area was used and they believed that the green was not played on by children;

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- They did not believe that the additional dwelling would create a terraced feel to the crescent;
- They believed it would be more beneficial to Compton to have two smaller dwellings on the plot rather than a single large house;
- There were a number of different types of properties in the area, some of which were infill properties;
- Having rented houses in the area, they had seen the high demand for similar small properties to rent;
- The garden would remain large in comparison to modern developments.
- Councillor Cole expressed concern that permission was being given to cross the green space in front of the crescent for access, commenting that the Council should be protecting green spaces. Derek Carnegie advised that the Council owned the space and had granted permission for access to the properties.
- Councillor Allen requested clarification that the proposed dwelling would be built within the existing garden at number 20. Mrs Pipikakis confirmed this, and Derek Carnegie confirmed that the resulting size of each garden was not of concern.
- Councillor Allen asked how close to the neighbouring property this dwelling would sit. Jake Brown advised that the plans showed a gap of 476 mm between it and the neighbours single storey extension.
- Councillor Cole asked how long the applicants had lived at the address. Mr Pipikakis responded for one year, but had lived in the area for 20 years.
- Councillor Cole requested clarification that the applicants were intending to reduce the size of their own property in order to build the new dwelling. Mrs Pipikakis responded that they would lose a single storey extension that was not currently useable due to damp and poor design.
- *(21.57: The Chairman proposed that the meeting be extended until 22.30 in order to complete business. The Committee agreed this at a vote).*
- In her capacity as Ward Member, Councillor von Celsing raised the following points:
 - The application did not fit with the village design statement;
 - The site was within the AONB in one of the less sustainable villages in the area;
 - The proposal did not fulfil Compton's housing needs and other sites had been identified within Compton such as Fairfields;
 - The green in front of the crescent was well used;
 - Councillor von Celsing believed that the gap between the dwelling and the immediate neighbour was too small;
 - Councillor von Celsing believed that more objectors would have come forward had the application not been timed over the Christmas period;
 - None of the photographs submitted by the applicant in support of their application were of Manor Crescent.
- Councillor Vickers reflected that there had been a failure to protect the character of his own area and did not wish to see this happen elsewhere. Councillor Vickers proposed that the application be refused on the grounds of inadequate parking,

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the safety of pedestrians and children, and that it would be out of keeping with the area. The proposal was seconded.

- Derek Carnegie advised the Committee that the report had been comprehensive, and Planning Officers had considered that the harm generated was not great enough to warrant refusal. Officers added that as there was existing access across the green this could not be given as a reason to refuse the application, and the lack of one parking space would not be a strong enough argument to refuse the application.
- The Chairman invited the Committee to vote on the proposal to refuse the application. At the vote the proposal was carried.

RESOLVED that the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

Reasons

- Inadequate parking;
- The safety of pedestrians and children
- It would be out of keeping with the area

40. **Application No. and Parish:12/02476/FULD - Land opposite Fairbank, between Cedar House, The Lythe and Rectory Cottages, Wickham**

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 12/02476/FULD in respect of the erection of four dwellings.

In accordance with the Council's Constitution, Mr Andrew Plumridge, agent, addressed the Committee on this application.

Mr Andrew Plumridge in addressing the Committee raised the following points:

- Although the site was outside from the settlement boundary, it was not suitable for agriculture and was therefore left unused and did not provide an attractive outlook. If the site had been located within the settlement boundary permission for the development would have been granted;
- There was a need for affordable housing in the area, and the proposed development would provide this;
- The development would lift the economy;
- It had been welcomed by those in the area, and by the Parish Council;
- The report stated that the Archaeological Officer had objected to the application, but this was not the case;
- Mr Plumridge believed that if the applicant had been a Housing Association, the site could have been treated as an exception site and been approved. This did not appear fair as it gave a message that development was acceptable but only by certain people;
- Mr Plumridge's client wished to help local workers to remain in the village;
- It was noted that a Heritage Assessment had not been undertaken, but as this would cost a significant sum of money it had been conditioned to be undertaken if the application was approved.
- In his capacity as Ward Member, Councillor Rowles raised the following points:

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- The site lay outside the settlement boundary, but was situated alongside other houses;
- There was a need for small houses in villages, and the willingness of someone to provide those houses should be taken advantage of;
- The Parish Council had no objections;
- Another house within the settlement boundary had been approved;
- The Chairman asked for clarification as to whether the settlement boundaries would be reconsidered in the future. Derek Carnegie responded that it was likely that a full review would be undertaken within the next 18 months.
- Councillor Cole offered the view that there were irrational settlement boundaries across the district, but with a duty to protect the AONB they should be respected. Councillor Cole further expressed her dissatisfaction with the opinion that the site was unsustainable because cycling was not possible, and commented that all villages would have the same issue. She considered that different rules regarding sustainability should be applied to villages and towns.
- Councillor Cole proposed that the Officer recommendation to refuse permission be agreed. Councillor von Celsing seconded the proposal.
- Councillor Vickers asked whether it was true that only a Housing Association could apply for an exception site. Jake Brown responded that anyone could request an exception site but that certain criteria would need to be fulfilled.
- Derek Carnegie suggested that the applicant wait until the planning assessment had been completed. If the site was suitable for development it would be identified.
- Councillor Hunneman commented that there was a possibility for the applicant to commence the exception site process.
- The Chairman invited the Committee to vote on the proposal. At the vote the proposal was carried.

RESOLVED that the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

Reasons

- The application site lies outside of the settlement boundary, as defined within Policy HSG.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, and is in a location that would not encourage the use of non-car modes of transport. As such the application site is considered to be located in an unsustainable location contrary to the Government's guidance within the National Planning Policy Framework as well as Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026 and Policies CC1 and CC6 of the Regional Spatial Strategy for the South East of England 2009.
- The proposed dwellings and residential use of the application site is considered to harm the intrinsic rural character and appearance of the area and is not considered to conserve the landscape or scenic beauty of the AONB as required in paragraph 15 of the NPPF. The development of the site would formalise the street scene through the proposed fencing and clearance of the vegetation that exists at present. Views of the built form proposed would be possible from the public realm and elements such as the storage of bins in front of the garage opposite the access and the positioning of bins adjacent to the access on collection days would further urbanise the existing rural appearance of the street scene. Moreover the layout of the proposed dwellings

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at an angle to the road is considered to run contrary to the rhythm of development in the area which largely accommodates built form that runs parallel to the road.

As such the proposal is considered to harm the character of the area contrary to the NPPF as well as Policies CS14 and CS19 of the Core Strategy and Policies CC1, C3 and CC6 of the Regional Spatial Strategy for the South East of England 2009. In addition the proposal is contrary to Supplementary Planning Guidance 'Quality Design' in particular part 2.

- The site is located in an area where significant archaeological finds are likely to be present. No information, evidence or study such as an archaeological field evaluation has been submitted with the application to demonstrate that the potential archaeological significance of the site would not be harmed by the proposed development. Given the lack of an archaeological field evaluation an informed judgement about the impact of the proposal on the archaeological significance of the site cannot be made.

As no such field evaluation has been submitted the application is considered to run contrary to the NPPF as well as Policy CS19 of the West Berkshire Core Strategy.

- The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to government advice, Policy CC7 of the South East Plan, regional Spatial Strategy May 2009 and Policy CS5 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPG4/04 - Delivering Investment from Sustainable Development

41. **Appeal Decisions relating to Western Area Planning Committee**

Members noted the outcome of appeal decisions relating to the Western Area.

(The meeting commenced at 6.30 pm and closed at 10.25 pm)

CHAIRMAN

Date of Signature