

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 14 AUGUST 2019

Councillors Present: Phil Barnett, Jeff Cant,Carolyn Culver, Clive Hooker (Chairman), Andy Moore (Substitute) (In place of Tony Vickers), Claire Rowles and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control) and Rachel Craggs (Principal Policy Officer (Information Management))

Apologies for inability to attend the meeting: Councillor Adrian Abbs, Councillor Hilary Cole, Councillor Garth Simpson and Councillor Tony Vickers

PART I

21. Minutes

The Minutes of the meeting held on 10 July 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Page 5, paragraphs 1 and 3: amend Carolyn Culver to Carolyn Culver.

The Minutes of the meeting held on 24 July 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Page 30, paragraph 22: amend 'was' to 'should be'.

Page 32, paragraph 4: the condition states that 'the bat box will be used to receive any bats captured during the works' and this will be checked as bats are not allowed to be captured.

22. Declarations of Interest

There were no declarations of interest received.

23. Schedule of Planning Applications

(1) Application No. and Parish: 19/01540/HOUSE - Hampstead Norreys

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/01540/HOUSE in respect of an extension to the garage and a first floor extension.
2. In accordance with the Council's Constitution, Mr David Barlow, Parish Council representative, Ms Theresa Fleetwood, objector, Mr Lee Clark, applicant and Councillor Carolyn Culver, Ward Member addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable.

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(CouncillorCarolyn Culver left the meeting room at 6.35 pm and returned at 6.37 pm)

4. Mr Barlow in addressing the Committee raised the following points:
 - There were a significant number of objections/support from within the Parish and the Parish Council looked at applications objectively taking consideration of the impact on neighbouring properties.
 - The Parish Council deemed the application to be inappropriate despite the revisions made to the plans due to the close proximity and overbearing nature of the proposal on 1 Church Street, which could not be appreciated from the plans.
 - He noted that if the back or front of an existing building overlooked the side of a new build by less than 7 metres, this would contradict West Berkshire Core Strategy (CS) Policies 14 and 19.
 - The revised plans did not alleviate the impact of a high wall casting a shadow over 1 Church Street, which was of concern to the Planning Inspector at the earlier appeal.
 - The Parish Council did not believe that CS 14 was addressed with the revised plans and nor were the Council's adopted Quality Design SPD and House Extensions SPG outline key factors.
 - They acknowledged that the applicant had submitted a light survey but it did not include consideration of direct sunlight and as it could only be used to assess the impact on gardens, it was not appropriate for a courtyard.
 - Consequently the Parish Council could not support the application.
5. Ms Fleetwood in addressing the Committee raised the following points:
 - She lived at 1 Church Street and had done so for the past 12 years.
 - This was the third planning application submitted by the applicant for a two storey extension but there was little difference between this one and the previous two applications.
 - The application submitted in March 2018 was refused by this Committee and dismissed at appeal as the Planning Inspector believed it would be overbearing on 1 Church Street and due to the impact on the sunlight at the rear of the house and the courtyard.
 - The second application was refused in October 2018 by this Committee as the Inspector's concerns had not been overcome.
 - The differences between this application and the second one were insignificant as the ridge height had only been reduced by one foot and the rear wall had also only been reduced by a similar amount.
 - The light assessment did not address the issue regarding sunlight in the courtyard and the information included in the survey had been provided by the applicant's agent. Furthermore, section 6, paragraph 3 of the assessment stated that the assessment did not have statutory implications.
 - She invited the Committee to visit 1 Church Street to see the impact the proposal would have on the sun in the courtyard during the early evening.

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- She did not understand how these insignificant changes could mean that the application now complied with CS 14, as the courtyard would be in shadow from late afternoon and she hoped the Committee would refuse the application.
6. Mr Clark in addressing the Committee raised the following points:
- He and his family had moved into Cherry Hinton about 18 months ago, when it was in a very sorry state and in need of modernisation.
 - Consequently he had not considered that there would be any problems with the planning application, particularly due to the fact that a number of other neighbouring properties had been extended.
 - He had arranged to meet with the Parish Council in order to obtain their opinion on the amended plans before submitting them to the planning authority, but Mr Barlow did not turn up for the meeting.
 - The garden at 1 Church Street had been reduced to a courtyard because the land had been sold off for development and it therefore did not seem right that this should now impact on the extension at Cherry Hinton.
 - He had shared the proposed plans with his neighbours and Ms Fleetwood had said that if he reduced the size of the extension by four feet, it would be acceptable.
 - As a result, he had addressed this concern and all the other concerns raised by Ms Fleetwood with the amended plans.
 - The light assessment had shown there would be no impact on 1 Church Street and as the extension was acceptable in planning terms, he asked the Committee to grant planning permission.
7. Councillor Clive Hooker referred to the plans that Mr Clark had submitted to the Parish Council and asked if he had been given the opportunity to present them at the meeting. Mr Clark explained that he had telephoned Mr Barlow to ask if he could attend the Parish Council meeting to show them the amended plans prior to submitting them to West Berkshire Council. Mr Barlow had said he could attend but had not turned up for the meeting and after showing them the plans, he was told they were unable to provide him with any feedback.
8. Councillor Carolyne Culver in addressing the Committee raised the following points:
- She thanked the residents for engaging in the process and for raising their concerns about overshadowing.
 - There had been 15 letters of support for the application and 15 objections, so she recognised there was support for the proposal as the applicant had considerably improved the look of the property, but this did not make the proposed extension acceptable.
 - Points 9 and 13 in the Inspector's report had referred to the impact of the proposal on the courtyard at 1 Church Street as it was their only private amenity.
 - There was also a height difference between the two properties which meant the proposed extension would be very overbearing. If the properties had been on the same level it might not have been such an issue.

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- She suggested that perhaps the daylight survey should have been commissioned by the Council so that it was more independent and it should have looked at the impact on sunlight in the courtyard and not just the rear windows.
9. Councillor Howard Woollaston asked for clarification regarding the height of the building and the impact of overshadowing as the amended plans appeared to solve the problem. Derek Carnegie stated that the amended plans with the earlier application had been acceptable in planning terms but the Planning Inspector had not agreed. However the applicant had taken account of the Inspector's comments and made serious efforts to solve the problems.
 10. Councillor Woollaston further enquired whether there would be any overlooking of the courtyard from the development and Derek Carnegie assured him that there were not be.
 11. Councillor Claire Rowles asked Derek Carnegie for his view of the comments relating to overshadowing and the light assessment. He replied that the light assessment was an independent report and he was satisfied with it. In addition, as the proposed extension was on the south western side of 1 Church Street, the courtyard would receive sunlight for the majority of the day. He noted there would be an impact from the development but it was not serious enough in planning terms for the application to be refused.
 12. Councillor Jeff Cant asked Derek Carnegie to clarify the position in planning terms in relation to daylight. Derek Carnegie confirmed householders did not have a right to light or a view but planners did not want any property bereft of either, although there was no hard and fast rule on this.
 13. Councillor Culver asked if the planning authority had been aware that the light assessment was being undertaken and Derek Carnegie replied in the negative.
 14. Councillor Culver further asked if it would have been a good idea for the Council to have commissioned the assessment. Derek Carnegie advised that if the Case Officer had been concerned about this, an assessment would have been commissioned but it was felt that as the previous planning application had been acceptable, there was no need for it.
 15. Councillor Hooker asked if there was any difference with the light on the windows compared to the courtyard. Derek Carnegie confirmed that if they had considered the light in the courtyard would be severely damaged, this would have taken into account, but their view was that the impact would be minimal.
 16. In considering the above application Councillor Phil Barnett noted that it was an interesting application and proved how imperative it was for Members to attend the official site visit as if they had, they would have appreciated the impact on 1 Church Street. He went onto enquire whether it was felt there was sufficient information available to enable them to make a decision, as he was having some difficulty in doing so. He felt the applicant had gone a long way to alleviate the objections and still meet the needs of his family and the street scene, but he would not make his decision until he had heard the views of the rest of the Committee.
 17. Councillor Cant said he was aware that if this application was refused and went to appeal it would cause considerable expense to the Council and so he wanted to hear anything that would convince him it should be rejected.

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18. Councillor Rowles said it was hard to appreciate some of the comments that had been made as she had not been able to attend the site visit as she had been unable to find it, which made it harder to make a decision.
19. The Chairman advised that it is not compulsory to attend site visits and it was possible to make decisions based on the plans and site drawings, although it was preferable if Members did attend.
20. Councillor Woollaston asked for clarification of the difference with the ground heights and was advised by Derek Carnegie that it was about a metre.
21. The Chairman pointed out that there was an assumption the planning application would be determined that evening as it had now been to Committee three times. Looking at the design from the front and rear of the property, it would be acceptable in any other situation which was what the Committee needed to focus on. He appreciated there was an issue with the impact on 1 Church Street, but the positioning of the extension meant the courtyard would be in sunlight for the majority of the day.
22. Councillor Rowles added that the nub of the matter was that the Planning Inspector had noted the limitations of the site. Derek Carnegie added that the Inspector had felt on balance the last application should be refused but the impact on 1 Church Street had been alleviated by the amendments to the plans and it was his view that the proposal was now acceptable.
23. The Chairman noted that as three Councillors had expressed concern about not having sufficient information to enable them to make a decision, it would be possible to defer the item. However, Members would need to indicate what they would require to enable them to make a decision.
24. Councillor Culver suggested that the Council should commission its own light assessment. Councillor Barnett added his support to this and further added that he felt another site meeting would be appropriate. Consequently, he proposed a deferment on these two grounds.
25. The Chairman noted that if another site meeting was to be arranged, the whole Committee would have to attend and he was against this because Members had already had the opportunity to attend the earlier one.
26. Councillor Cant asked for it to be noted that he had not been requesting more information prior to making a decision on the application, as all he had just been requesting clarification with regard to the right to light in planning terms.
27. Councillor Rowles added her support to the proposals put forward by Councillors Culver and Barnett. She was aware that site visits were costly but she felt that a site visit attended by all the Committee Members was required.
28. The Chairman said he did not want this to set a precedent enabling applications to be deferred for a second site visit to take place, if Members were unable to attend the earlier one.
29. Councillor Rowles added that sometimes during the debate it became apparent that this was what was required.
30. Councillor Barnett's proposal for another site visit to be undertaken and an independent light assessment to be commissioned by the Council was seconded by Councillor Rowles.

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- 31. Councillor Andy Moore suggested that the site visit should take place after 4 pm to enable the Committee to appreciate the full impact of the development on 1 Church Street.
- 32. Sharon Armour stated she was concerned by the comments from Members about not having sufficient information to enable them to make a decision and therefore she felt a decision should not be made on the application.
- 33. Councillor Woollaston asked if Ms Fleetwood would allow Members conducting independent site visits to visit the courtyard. However the Chairman clarified that the site visit should only be made as a group, so they could share the discussion and avoid Members speaking individually to the applicant and objector.
- 34. The Chairman invited members of the Committee to vote on the proposal by Councillor Barnett, seconded by Councillor Rowles and at the vote the motion was carried

RESOLVED that the Head of Development and Planning be authorised to defer the application for the following reasons:

Members who attended the site visit were few in number and it was decided that there should be another site visit for more members to evaluate the issues. Members also decided that there should be another Daylight / Sunlight study carried out independently by the Council.

24. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.32 pm and closed at 7.33 pm)

CHAIRMAN

Date of Signature