

Notice of Meeting



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Western Area Planning Committee Wednesday 14 August 2019 at 6.30 pm in the Council Chamber Council Offices Market Street Newbury

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Further information for members of the public

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. **Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.**

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Council Chamber, Market Street, Newbury between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148
Email: planapps@westberks.gov.uk

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Rachel Craggs on (01635) 519441 Email: Rachel.craggs@westberks.gov.uk

Date of despatch of Agenda: Tuesday, 6 August 2019



Agenda - Western Area Planning Committee to be held on Wednesday, 14 August 2019
(continued)

To: Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker (Chairman), Claire Rowles, Tony Vickers (Vice-Chairman) and Howard Woollaston

Substitutes: Councillors Jeff Beck, James Cole, David Marsh, Steve Masters, Andy Moore, Erik Pattenden and Martha Vickers

Agenda

Part I

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1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 34
To approve as a correct record the Minutes of the meetings of this Committee held on 10 and 24 July 2019.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).
 - (1) **Application No. and Parish: 19/01540/HOUSE - Hampstead Norreys** 35 - 42

Proposal:	Extension to garage and first floor extension
Location:	Cherry Hinton, Newbury Hill, Hampstead Norreys
Applicant:	Mr and Mrs Clark
Recommendation:	The Head of Development and Planning be authorised to GRANT planning permission.
- Items for Information**
5. **Appeal Decisions relating to Western Area Planning Committee** 43 - 48
Purpose: To inform Members of the results of recent appeal decisions relating to the Western Area Planning Committee.



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(continued)

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke
Head of Legal and Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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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, 10 JULY 2019

Councillors Present: Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Jeff Cant), Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Claire Rowles, Martha Vickers (Substitute) (In place of Tony Vickers) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control) and Dennis Greenway (Conservation Officer)

Apologies for inability to attend the meeting: Councillor Jeff Cant and Councillor Tony Vickers

PART I

13. Declarations of Interest

Councillors Clive Hooker, Hilary Cole, Jeff Beck, Carolyn Culver, Adrian Abbs and Phil Barnett declared that they had been lobbied on Agenda Item 4(1). Councillors Jeff Beck, Phil Barnett and Adrian Abbs declared that they had been lobbied on Agenda Item 4(2). Councillors Claire Rowles, Jeff Beck and Adrian Abbs declared that they had been lobbied on Agenda Item 4(3). However, they reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Phil Barnett and Jeff Beck declared a personal interest in Agenda Item 4 (1) and 4 (2), but reported that as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

14. Schedule of Planning Applications

(1) Application No. and Parish: 19/00806/HOUSE - 24 Donnington Square, Newbury

(Councillors Clive Hooker, Hilary Cole, Carolyn Culver, Jeff Beck, Adrian Abbs and Phil Barnett declared that they had been lobbied on Agenda Item 4(1). As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

(Councillors Jeff Beck and Phil Barnett declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council and their Planning and Highways Committee. Councillors Beck and Barnett had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/00806/HOUSE in respect of a three storey side extension and new porch.

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2. Derek Carnegie introduced the report to Members, which had been considered at the Committee meeting on 12 June 2019 but deferred to provide time for a Heritage Assessment (HA) to be included as part of the application. Essentially Officers were satisfied that all their concerns had been resolved through the current planning application. Detailed discussions had taken place with the applicant to reach a solution whereby the extension could go ahead, whilst taking the neighbour's concerns into account. A compromise had been reached in the view of Officers that would not impact upon the amenity of the neighbouring property.
3. The update sheet included reasons why the application had been deferred and a series of reports were not included accordingly. Letters that both supported and objected to the application had been received and a series of conflicting matters had been raised.
4. In accordance with the Council's Constitution, Charlotte Hawkins, objector, and Matt Taylor, agent, addressed the Committee on this application.
5. Charlotte Hawkins in addressing the Committee raised the following points:
 - Ms Hawkins had lived at number 23 Donnington Square for 17 years and had not witnessed a similar scheme.
 - The application was contrary to Policy CS19 of the West Berkshire Core Strategy (Historic Environment and Landscape Character), as it would not be appropriate in terms of location, scale or design.
 - Donnington Square was a conservation area and therefore any development should enhance the area. Conservation areas were a type of 'designated heritage asset' and therefore the necessary weight needed to be given to the asset's conservation.
 - Ms Hawkins felt that a number of key issues had been overlooked by the Planning Inspector.
 - 24 Donnington Square was prominent on the street scene accordingly to the Officer's report and therefore was a controversial proposal.
 - The current proposal if approved would not cause a symmetrical silhouette. In Ms Hawkins' view the extension would not be of high quality.
 - The proposal provided only a 200mm reduction in height and width from the previous proposal that was deemed unacceptable.
 - No explanations had been provided to say why Planning Officers had not considered the advice given by the Conservation Officer.
 - There were a number of anomalies in the letter submitted by Bell Cornwell, which in Ms Hawkins view provided conflicting comments.
 - This was the third application to extend 24 Donnington Square. The two previous applications had been deemed as unsatisfactory.
 - Objections had been raised by Newbury Town Council and the Newbury Society due to the extent to which the proposal would compromise the conservation area.
 - If approved the area would look muddled and this would lead to harm.
6. Councillor Hilary Cole noted that Ms Hawkins had referred to the single glazed conservatory as a habitable room and asked why this was. Ms Hawkins stated that she had done so because it was a conservatory. Councillor Cole stated that a conservatory was not considered a habitable room in planning terms.

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7. Matt Taylor in addressing the Committee raised the following points:
- Mr Taylor was attending the Committee on behalf of the applicant.
 - The reason the application had been deferred was because of the late submission of information by Ms Hawkins.
 - The application was recommended for approval. The applicant had submitted a Heritage Statement, which had been provided by James Weir, who was a Guardian and Case Work Committee Member of the Society for the Protection of Ancient Buildings.
 - James Weir had concluded that the proposal preserved the character and appearance of the Conservation Area and would not result in harm on the significance of Number 24 as a non-designated heritage asset.
 - The proposal would not harm the area and would improve symmetry in Mr Taylor's view.
 - The amenity of number 23 Donnington Square had been raised at the previous Committee meeting on 12 June 2019, largely in respect of overshadowing. Given the position of the properties, number 24 already caused overshadowing at one time of the day in early spring. This shadowing would only be marginally increased if the application was approved and would not affect the amenity of number 23.
 - The Newbury Society had suggested that the extension proposed was larger than the existing extension at number 25 Donnington Square. This was not the case. Since this comment a new site plan had been submitted and showed the proposed extension to be narrower than the extension at number 25.
 - It was important to note that there had also been 10 letters in support of the application and the Town Council had not raised any objection once the scheme had been altered. Mr Taylor therefore urged the Committee to approve the application.
8. Councillor Adrian Abbs referred to the overshadowing diagrams. He recalled that it had been mentioned that the overshadowing would not cause harm however, in his view there were a couple of anomalies with regards to this matter. He noted the shadow from the fence across the property and that the fence was marked on the diagram as the sight line. At the site visit Councillor Abbs had noted that there was a hedge that dropped down in height and therefore he could not see how the diagram was correct and asked Mr Taylor to confirm this point. Mr Taylor stated that in relation to the extension the shadow diagram was correct. The image was drawn from the fence and not the hedge Councillor Abbs was referring to, as it was not considered a fixed object. The main shadowing was caused by the property itself.
9. Councillor Abbs referred to the two hour gaps detailed in the report and he was concerned about the conservatory that was not shown in the shadow diagram and asked Mr Taylor to address his concerns. Mr Taylor commented that his understanding was that the conservatory was located to the rear of the property and therefore was not on the diagram. Councillor Abbs asked Mr Taylor to confirm that shadowing would be caused between 8am and 10am if the application was approved. Mr Taylor did not agree with the statement because shadowing was already caused by the property between 8am and 10am. The aim of the diagram was to show the marginal change in shadowing between the two schemes that had been submitted. The extension if approved would cause shadowing towards 10am however, before this time shadowing was already caused by the existing property.

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10. Councillor Claire Rowles asked for the maximum period the shadowing would have an impact. Mr Taylor stated that because of the position of the sun in early spring, this was when there would be most sensitivity to shadowing. This was not an issue in the summer when the sun was positioned much higher.
11. Councillor Abbs noted that Mr Taylor had mentioned that both symmetry and balance needed to be taken into consideration when determining the application and asked which Mr Taylor thought was most important. In Mr Taylor's view there was no overriding need for the extension to create exact symmetry. In terms of the street scene, balance was most important. Number 24 Donnington Square should not be treated as a listed building and was not an exact replica of number 25.
12. There were no questions and therefore the Chairman invited Members to pose questions to Officers.
13. Councillor Cole asked Mr Carnegie to confirm in planning terms whether a conservatory was considered to be habitable. Councillor Cole also asked for clarity regarding where the conservatory was positioned. Mr Carnegie confirmed that a conservatory was not classed as habitable in planning terms and from the diagram it could be seen that the extension was set back but was unable to confirm the exact location of the conservatory.
14. Councillor Jeff Beck referred to hours of work if the application was approved and noted that this was not detailed in conditions. Mr Carnegie assured Councillor Beck that this could be included if the application was approved.
15. Councillor Abbs asked Mr Carnegie how close the decision was in his mind between approving or refusing the application. Mr Carnegie stated that the recommendation for approval was clear cut in his opinion.
16. The Chairman invited Members of the Committee to begin a debate on the item.
17. Councillor Phil Barnett highlighted that Donnington Square was one of the most important original areas of North West Newbury. Overtime, Members had seen various proposals for extensions in the area, but these had often been balanced. The first part of the road's street scene was evenly balanced and Councillor Barnett's main concern was whether the proposal would fit in with other alterations in the area..
18. Councillor Cole stated that she completely disagreed with the comments made by Councillor Barnett. She agreed that Donnington Square was an iconic square however, it was built in the Victorian times to a Georgian pattern and therefore was already varying in appearance. The house next door to the application site was a two storey modern property. She advised that anyone buying a property next to a three or four storey property was going to incur a degree of overshadowing. Donnington Square did not demonstrate a perfect example of Georgian architecture and Councillor Cole referred to another property in the area that was a Georgian/gothic building with red brick. Councillor Cole did not feel that the street of Donnington Square would be tarnished if the application was approved because it was already so varied and she therefore proposed that Members approve the Officer recommendation to grant planning permission. This proposal was seconded by Councillor Beck.
19. Councillor Abbs was undecided on the application. The existing extension to the right of the application site had not caused an impact in terms of shadowing because of where the sun set however, the proposal would have a negative effect with regards to shadowing. He noted that Mr Carnegie had stated that the gap between properties would not be closed however, in Councillor Abbs view the gap would be substantially reduced and number 24 would be affected.

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20. The Chairman invited Members to vote on the proposal by Councillor Cole that was seconded by Councillor Beck. At the vote the motion was carried.

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

Conditions

1. Commencement of development

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).

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- 2929-02E-A1 received 17/05/19
- 2929-02E-A3 received 21/05/19
- 2929-01 received 25/03/19
- Location Plan received 25/03/19

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Materials as specified and to match

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respond to local character and appearance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

4. Tree protection

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core

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Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

5. Hours of work

No demolition or construction works shall take place outside the following hours:

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

8:30am to 1:00pm Saturdays; and

No work to be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

INFORMATIVES

1. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

2. Damage to footways, cycleways and verges

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.

3. Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

(2) Application No. and Parish: 19/00577/FULD - 6 Northwood Drive, Newbury

(Councillors Jeff Beck, Adrian Abbs and Phil Barnett declared that they had been lobbied on Agenda Item 4(2). As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

(Councillor Jeff Beck and Phil Barnett declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of Newbury Town Council and their Planning and Highways Committee. Councillors Beck and Barnett had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/00577/FULD in respect of a new single family dwelling.
2. Mr Derek Carnegie, Planning Officer, introduced the item to Members of the Committee. The application site was located within a cul-de-sac on a corner plot, which was rectangular in shape. A previous application for the site had been refused and subsequently dismissed at appeal on 9 January 2019 on grounds relating to the lack of external amenity space, which was approximately 35m². The Appeal Inspector had concluded that the proposal would not harm the character and appearance of the area but would leave inadequate garden space for the occupiers of the existing house at no.6 Northwood Drive.
3. The revised proposal showed the removal of the existing garage within the site and subdivision of the garden or the property to provide an L shaped garden approximately 100m² in the area for the existing dwelling and 92m² in the area for the proposed dwelling. Mr Carnegie drew attention to the Appeal Inspector's comments under section 8.2.2.2 of the report, which in essence depicted that the proposal was not significant.
4. Taking all aspects into account it was felt by Officer's that on balance the proposal could be supported due to the increase in amenity space.
5. Mr Carnegie concluded that there had been a continuing debate regarding detailed measurements. Officers were satisfied that the space made available by the scheme was sufficient.
6. The Chairman invited Paul Goddard, Highways Officer to address the Committee.
7. Paul Goddard reported that the proposal was in-keeping with the Council's requirements regarding car parking. An access to the site had already been provided however, this was not a highways requirement within a cul-de-sac. Paul Goddard confirmed that therefore there were no objections from a Highways perspective.
8. In accordance with the Council's Constitution, Marion Mottram, objector, Andrew Hamey, agent and Councillor Jeff Beck, Ward Member, addressed the Committee on this application.
9. Marion Mottram in addressing the Committee raised the following points:
 - Ms Mottram was also raising objections to the application on behalf of herself and her neighbours.
 - This was the third planning application for the site. The other two had been refused.

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- There would be overshadowing caused to neighbouring properties and Ms Mottram was concerned about highway safety.
 - The new proposal increased amenity space to 100m², but this was still below Council guidance by 15%.
 - CAD survey drawings completed by a suitably qualified professional had shown 175m² for No.6 Northwood Drive based on laser measurements. This information had been forwarded to the Planning Department and therefore Ms Mottram was surprised the issue was still being disputed.
 - Ms Mottram had noted that the agent had advised that her property (No.8) and other neighbouring properties had smaller garden sizes than the proposal. Ms Mottram disagreed with this as according to her own measurements, the garden space outside her property, including the front garden totalled 105m² and her neighbour's garden totalled 103m².
 - There did not seem to be a design boundary to the front of the site as it was all parking spaces, which was adverse to the street scene.
 - The plot was located on a sharp bend and visibility would be an issue. Vehicles trying to enter and exit the drive would cause problems.
 - Ms Mottram was deeply concerned regarding the impact the proposal would have on the street scene. There were only 29 properties in the cul-de-sac and over 20 had objected to the application.
10. There were no questions raised by Members.
11. Andrew Hamey in addressing the Committee raised the following points:
- Mr Hamey believed that the application fulfilled the criteria in planning regulations.
 - The Appeal Inspector's report had not stated that the proposal would be out of character with the area.
 - Mr Hamey believed that all the objections had been covered in the Planning Officer's report.
 - Mr Hamey did not agree with the objectors comments concerning amenity space. 95m² was larger than some of the neighbouring gardens.
 - Other properties had been built in the Newbury area with small gardens.
 - Removal of the hedge and lamp post would improve visibility when entering and exiting the site.
 - One more dwelling would not be detrimental to the area in Mr Hamey's view and it would allow another family the opportunity to live in a lovely area. He did not feel that the development, if approved, would set a precedent.
12. Councillor Abbs referred to concerns raised about amenity space and noted that Mr Hamey had mentioned 95m². This represented a 15% difference. He asked Mr Hamey to comment. Mr Hamey stated that both he and his architect had measured the site and there had only been a 5m² difference between their measurements. If the access had not been included in the objector's measurements then they could not be counted as correct.
13. Councillor Phil Barnett noted that Mr Hamey had referred to other developments in Newbury will small gardens and asked him to identify which sites he was referring to.

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Mr Hamey confirmed that plots in both Sutton Road and St Nicholas Road had small gardens. There were also properties and flats that did not have a garden at all.

14. Councillor Jeff Beck, in addressing the Committee as Ward Member, raised the following points:
 - Members had heard the comments from the objector and Ms Mottram had confirmed that she represented over half the residents on Northwood Drive.
 - The particular road being considered displayed house frontages and if approved a corner site would be permitted or 'a bit on the side of a house'. In Councillor Beck's view it was a clear case of 'garden grabbing' and was contrary to CS14.
 - Newbury Town Council had raised objection to the proposal.
 - A lot of weight was being placed on the Appeal Inspector's comments however, Councillor Beck felt that Members needed to also consider the Council's own aims for acceptable development.
 - Currently there was one house and a good sized garden on the plot. The applicant had dropped the kerb in anticipation of the application being approved.
 - If the application was approved there would be an extended house, with a reduced garden and no garage. Another house would be located in the current garden, plus car parking spaces for three cars on a corner site.
 - A number of concerns had been raised about the plot being located on a 90 degree bend.
 - Councillor Beck felt that if approved the site would cause people to wonder how such a scheme was permitted.
 - Councillor Beck did not feel that the proposal was in keeping with the street scene and if approved would be detrimental to the area.
15. Councillor Hilary Cole asked for clarification on what Policy CS14 covered and if Officers felt that this particular policy would be compromised if the application was approved. Mr Carnegie confirmed that in Officer's view the proposal would tick the right boxes to create an environment people would be happy to live in.
16. Councillor Cole noted that Councillor Beck had referred to the plot being on a 90 degree bend and asked Paul Goddard to comment regarding safety, particularly given that the location was within a cul-de-sac. Paul Goddard reported that the road in question provided access to 27 dwellings. An access could be formed without planning permission. Sight lines had been mentioned and Paul Goddard stated that there was nothing to stop the applicant erecting a one metre fence on the site or planting hedges or trees. There was a 0.6 metre high fence in place currently and therefore it could be said that the sight lines would be improved by the proposal.
17. Councillor Howard Woollaston noted properties on the road were of the 1970's era and asked how the elevation of the proposal would differ to current properties. Mr Carnegie confirmed that the elevation of other properties along the road would be replicated and the view would be symmetrical.
18. Councillor Woollaston further questioned how a vehicle in the middle car parking space would be moved. Paul Goddard confirmed that the first car would have to be moved in order to get the middle vehicle out. Paul Goddard confirmed that having three car parking spaces in a row was very common.

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19. Councillor Abbs referred to the letter by the objector. The garage wall would be demolished and the objector was concerned how this would be taken down. Mr Carnegie stated that this would be a civil matter between the two parties and was not a matter the Council could dictate.
20. Councillor Claire Rowles noted that the car parking spaces were very close to the dwelling and asked if there were any concerns about this. Mr Carnegie stated that Highways had confirmed that they were satisfied with the application and therefore this was not an issue.
21. Councillor Rowles noted that the applicant had fulfilled policy regarding the number of car parking spaces. She had attended the site visit and had felt that the spaces sat awkwardly against the existing arrangements on the corner. Councillor Rowles queried if the Highways Officer had any further comments regarding safety. Paul Goddard stated that he had no further comments.
22. Councillor Woollaston asked if the garage had to be taken down before building on the site could commence. Mr Carnegie confirmed that the garage would need to be taken down prior to development.
23. The Chairman invited Members to begin a debate on the item.
24. Councillor Beck stated that he had lived in the area for 50 years and he felt the application would have an adverse effect on the street scene. If approved, Members would be allowing a garden space below the recommended standard. Councillor Beck was opposed to the application and urged the Committee to refuse planning permission.
25. Councillor Barnett reported that in the past he had been a Member for Turnpike and Clay Hill. He was aware of 'garden grabbing' and that had been his reason for asking the applicant to identify other areas with small garden spaces and it was apparent that there were quite a few. Councillor Barnett was however concerned about the location being on a corner plot and he wondered how the site would be accessed if approved. There were a number of other sites which were well suited to an extra dwelling however, like Councillor Beck he did not feel the application site was suitable and therefore he would not be able to support approval of the application.
26. Mr Carnegie reminded Members that solid reasons for refusal would be required if they were minded to refuse the application in order for the case to stand up at appeal. The only reason the Appeal Inspector had not accepted the site was because of the amenity space provided and this had been resolved. There would be risk that the Council could face costs if the application was refused.
27. Councillor Barnett felt that the impact the proposal would have on the street scene would be a sound reason for refusal.
28. Councillor Cole felt that it was a difficult application to determine. She understood the concerns of the residents and the concerns raised by Councillor Beck. However the proposal was acceptable with regards to Planning Policy. Members had been in similar situations before where they had not been keen on the appearance of a proposal but no solid reasons for refusal could be formed. Councillor Cole stated that positively, if approved, the proposal would provide a much needed three bedroom dwelling. It was important to consider the whole application and make a judgment based on planning policy and not just appearance.
29. Councillor Abbs referred to the fact that the proposed amenity space was 15% below the guideline. He therefore felt that the application could be refused on lack of amenity space.

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30. Councillor Beck proposed that Members refuse planning permission because the proposal was not in keeping with the street scene. It was also important to take account of the views from over half of the residents living on the street who had objected. As Councillor Abbs had mentioned the garden was still below the recommended size by 15% and local people were concerned the plot was located on a sharp bend. Councillor Abbs seconded the proposal by Councillor Beck.
31. Councillor Woollaton queried if the application could be deferred until measurements of the amenity space were clarified. Mr Carnegie stated that it was important to note that the guidelines were only recommendations and not stipulations.
32. The Chairman invited Members of the Committee to vote on the proposal by Councillor Beck, seconded by Councillor Abbs, and at the vote the motion was not carried.
33. Councillor Cole proposed that Members approve the Officer recommendation to grant planning permission and this was seconded by Councillor Woollaston. The Chairman invited Members of the Committee to vote on the proposal by Cole, seconded by Councillor Woollaston and at the vote the motion was carried.

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

Conditions

1. Commencement of development

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).

2. Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:

- (i) Location plan received on 1 March 2019 (but not the 1:500 block shown on the same drawing which is superseded).
- (ii) Proposed elevations received on 1 March 2019; and
- (iii) Proposed site plan received on 25 May 2019.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Electric charging point

No development hereby permitted shall take place until details of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved details. The charging point shall thereafter be retained and kept available for the approved use.

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Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. Surfacing of access

No development hereby permitted shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

5. External facing materials

The external facing materials to be used on the dwelling hereby permitted shall match those on the existing dwelling known as no.6 Northwood Drive.

Reason: To ensure that the external materials respond to the surrounding built form. This condition is applied in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

6. Cycle storage

No development hereby permitted shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and storage space has been provided 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. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of

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the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

7. **A scheme to minimise the effects of dust**

No development hereby permitted shall take place until details of a scheme to minimise the effects of dust emissions from the construction of the approved dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; a scheme to minimise the effects of dust is required throughout the construction phase and therefore it is necessary to agree before development commences.

8. **Landscaping scheme (including hard surfacing)**

No development hereby permitted shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) completion of the approved landscaping within the first planting season following the completion of the development; and
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because insufficient detailed

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information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

9. Sustainable drainage measures

No development hereby permitted shall take place until a scheme for surface water drainage, based on sustainable drainage principles, has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be completed in its entirety prior to the first of the occupation of the dwelling hereby permitted.

Reason: To ensure the surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS16 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

10. Hours of work

No demolition or construction works shall take place outside the following hours:

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

8:30am to 1:00pm Saturdays; and

No work to be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

11. Parking in accordance with approved plans

The dwelling hereby permitted shall not be occupied until the vehicle parking has been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space 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 with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy

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Framework (2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Temporary parking

No development hereby permitted shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives and other visitors during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off-site parking in the locality which could cause danger to other road users, and inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

13. Visibility splays

The fence located on the boundary between the vehicle access and existing lamppost to the east must not exceed 0.6 metres in height as shown on the site plan drawing with amended highway notes dated 20/05/19 and this part of the site shall be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of pedestrian and road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

14. Boundary treatment

The dwelling hereby permitted shall not be occupied until the approved boundary treatment has been provided in accordance with the approved plans.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and guidance contained with West Berkshire SPD Quality Design.

15 Permitted development restriction (extensions/outbuildings)

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006) and the Newbury Town Design Statement.

INFORMATIVES

1. Approval- Need for revision/ representations received

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.

2. Damage to footways, cycleways and verges

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.

3. Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

4. Construction/demolition noise

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.

5. Thames Water: Waste water

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water: Mains water

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

WASTE

COMMENT

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

WATER

COMMENT

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

7. CIL informative

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil.

8. Ownership

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

(3) Application No. and Parish: 18/03398/HOUSE - Winterley House, Kintbury

(Councillors Jeff Beck, Adrian Abbs and Claire Rowles declared that they had been lobbied on Agenda Item 4(3). As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/03398/HOUSE in respect of a two storey and single storey extension.
2. Derek Carnegie introduced the application which was located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and was classed as a non-designated heritage asset. In Officers' view, if approved the proposal would harm the existence of the non-designated heritage asset. There were no clear reasons to accept the application.
3. The Committee resolution for the application on 13th March was for the deferment of the application pending appeal decision. The appeal was subsequently dismissed by

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the Planning Inspectorate. The application had been considered again at Committee on 12 June 2019 but deferred pending a second Committee site visit, which had since taken place. Mr Carnegie confirmed that the appeal decision was included with the report and emphasised the concerns raised by Officers.

4. If Members were minded to approve the application, it would need to be referenced up to the District Planning Committee for final decision.
5. In accordance with the Council's Constitution, Markus McNally, applicant, Frank Dowling, agent and Councillor Claire Rowles and Councillor James Cole, Ward Members, addressed the Committee on this application.
6. Markus McNally (applicant) and Frank Dowling (agent) in addressing the Committee raised the following points:
 - Mr Dowling stated that Members who had attended the site visit had been shown an artist's impression of the proposal.
 - The building was not listed and was not featured on West Berkshire's list of heritage buildings. The previous application had however, referred to the building as a Heritage Asset.
 - The main building had been altered over the years and had two modern frontages.
 - The current application set the extension down and back and was clearly subservient to the main building.
 - Mr Dowling explained that although the Orangery might look strange, orangeries were long and narrow by nature. The home office was located towards the back of the orangery.
 - The artist's impression of the proposal showed the extension was truly subservient to the existing dwelling.
 - The extension had been reduced by two metres from the previous application and did not protrude further than the existing garage.
 - No objections had been raised by the Parish Council, AONB or neighbouring properties.
 - Consideration to the impact on the existing building was highly subjective.
 - Mr Dowling gave a similar example of a property in Leckhampstead where the Planning Officers had recommended refusal but Members had taken a different view.
 - Mr McNally drew attention to a note in the update sheet which stated there was no change in the overall scale of the development. Mr McNally stated that the proposal had been reduced by two metres and therefore there was a significant change in scale.
 - Mr McNally emphasised that they were very proud of the house and were complimented by the fact that it was considered a heritage asset.
7. Councillor Hilary Cole noted that Mr McNally had stated that there had been a significant change in the proposal and that the extension would be set down and back from what was previously proposed. Councillor Cole asked Mr McNally to clarify this point. Mr McNally confirmed that the ridge height had been reduced by nearly 500mm. The walled part of the extension had been brought down and set back.

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8. Councillor Cole referred to Mr Dowling's comment regarding an application in Leckhamstead and asked if he understood that each application was judged on its own merits. Mr Dowling was aware of this point.
9. Councillor Claire Rowles asked Mr McNally if he owned the other two dwelling located on the plot and he confirmed that he did.
10. Councillor James Cole, in addressing the Committee as Ward Member, raised the following points:
 - In Councillor James Cole's view the house was a mock up and was in fact a very good fake of a house built in a much older period. This was why the house was not a listed building.
 - Councillor James Cole stated that he lived in a modern Georgian style house and the building under consideration was also a property built in modern times.
 - Based on the fact that the building was a mock up, the proposal should be approved. The extension was subservient to and in keeping with the main building.
11. Councillor Claire Rowles in addressing the Committee raised the following points:
 - There had been no objections received from nearby residents.
 - There had been no concerns raised regarding the view point from the road.
 - Mr Carnegie had stated that the proposal would be detrimental to the area due its scale however in Councillor Rowles view, considering the size of the plot and considerable garden size this would not be an issue.
 - The size of the proposed extension was very much subservient to the main building.
 - Councillor Rowles did not see how the proposal could be considered a poor design.
12. Councillor Adrian Abbs stated that Planning Officers' had looked at an artist's impression of the building and assumed it was built earlier than it was. Councillor Abbs was concerned about the patio area to the right of the proposal and steps down to a seating/garden area, which was in a pleasant setting. Councillor Abbs referred back to plans, where a red line was shown on the diagram and stated that he could not recall seeing a fence in the area. Mr Carnegie stated that discussions had not concluded regarding the accurate size of the plot and this could be deferred until full details of the development had been received. From Officers' point of view, the reductions made to plans since the previous application was not enough to warrant approval.
13. The Chairman stated that the garden only extended to the line shown and therefore the area being considered was not overly large. Dennis Greenway, Principal Conservation and Design Officer, stated that the plan did not show the change in size of the proposal, which had been reduced by two metres.
14. Councillor Cole noted that the building had been described as a fake. Mr Carnegie confirmed that this could be true however, the building had been listed in the past. Mr Carnegie referred to the Planning Inspector's comments, which emphasised the points made in the Planning Officer's report. The building was not listed however, was within the sensitive AONB, which should not be harmed by an overly sized extension.

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15. Councillor Rowles referred back to the size of the plot and asked Mr Carnegie if he agreed that it was a large plot that was being discussed. Mr Carnegie agreed with this point and also that the plot perimeters needed further investigation. Mr Carnegie confirmed that the planning plot was considered to be what had been used for residential purposes/garden area for over 10 years. Councillor Rowles felt that it was difficult to make a decision when the size of the plot needed further investigation.
16. Councillor Cole recalled that queries about the plot and garden size had been raised at the site visit. It seemed that agricultural land might have been taken in to the curtilage and if this was the case then investigation was required.
17. Councillor Howard Woollaston noted that the plot would not be seen from anywhere nearby. Mr Carnegie stated that if this was the criteria then the application could be deemed acceptable however, the impact on the countryside had to be taken in to consideration.
18. The Chairman invited Members to begin a debate on the item.
19. Councillor Jeff Beck stated that he had visited the site about three times and since visiting the site the proposal had been reduced in size. Councillor Beck had no objection to the application and proposed Members approve planning permission.
20. Councillor Abbs stated that he had visited the site on two occasions. He felt assured that Officers would investigate the plot size. He could however not see a reason to go against the Planning Officer's recommendation for refusal.
21. Councillor Cole referred to the size of the proposal. She did not feel that the applicant had addressed the concerns raised in the Planning Inspector's report regarding the size of the extension. Councillor Cole felt that Members would be unwise to approve the application given the advice from Officers and the Planning Inspector regarding the proposal. The site laid within the AONB and therefore there were stricter planning considerations that needed to be taken in to account. Councillor Cole felt that Members were being side tracked by the large plot size and that there had been no objections raised. These were not reasons to approve the application.
22. Mr Carnegie reminded Members that if they were minded to approve the application it would be referenced up to the District Planning Permission for decision.
23. Councillor Phil Barnet expressed his support for the application and that he could see no reason to refuse it. He felt that the applicant had considered the proposal very carefully. He felt when visiting the site that the proposal would blend in to its surroundings.
24. Councillor Rowles referred to the last meeting where the application had been considered and that there had been a discussion around what caused a building to be classed as a Heritage Asset and it had been concluded that there was uncertainty on how to define a heritage piece. Councillor Rowles felt that some aspects of the Planning Inspector's report had marred the application. Councillor Rowles did not feel there were any good enough reasons to refuse the application.
25. Councillor Beck repeated his proposal to approve planning permission and this was seconded by Councillor Rowles. The Chairman invited Members of the Committee to vote on the proposal by Councillor Beck, seconded by Councillor Rowles, and at the vote the motion was carried.

RESOLVED that Members agreed that the Head of Development and Planning should be authorised to grant planning permission. As a result the item would be

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referred to the next District Planning Committee for decision for the following reason:

- In the opinion of the planning officers, the application was clearly contrary to adopted national and local planning policies and had been the subject of a very recent planning appeal decision to refuse.

15. 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 8.34 pm)

CHAIRMAN

Date of Signature

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, 24 JULY 2019

Councillors Present: Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Claire Rowles), Jeff Cant, Carolyne Culver, Clive Hooker (Chairman), Andy Moore (Substitute) (In place of Tony Vickers), Garth Simpson (Substitute) (In place of Hilary Cole) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control) and Jo Reeves (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Hilary Cole, Councillor Claire Rowles and Councillor Tony Vickers

PART I

18. Minutes

The Minutes of the meeting held on 3 July 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Page 5, section 11 (1), first paragraph, second line: remove 'and prejudicial'

Page 14, paragraph 34: replace 'Back' with Beck'.

Page 22, paragraph 2: replace 'Ms Catherine Spenser' with 'Ms Claire Spencer'.

Page 22, paragraph 4: insert 'stated' after 'Mr Paul Goddard' and insert 'received any' before 'objections'.

Page 22, paragraph 5, 5th bullet: replace 'meters' with 'metres'.

Page 23, 8th bullet: replace 'synched' with 'synchronised'.

Page 24, paragraph 15: replace 'Spenser' with 'Spencer'.

19. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett, Jeff Beck, Jeff Cent and Andy Moore declared an interest in Agenda Item 4 (1), but reported that, as their interests were a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

20. Schedule of Planning Applications

(1) Application No. and Parish: 18/02575/HOUSE - The Gardeners Cottage, Tydehams, Newbury

(Councillors Phil Barnett, Jeff Beck, Jeff Cant and Andy Moore declared a personal interest in Agenda Item 4 by virtue of the fact that they were members of Newbury Town Council Planning and Highways Committee. Councillor Moore was also personally acquainted with two of the objectors. Councillor Adrian Abbs declared a personal interest by virtue of the fact he was the Ward Member. As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

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1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/02575/HOUSE in respect of the demolition of existing outbuildings and garage, new extension linking to house comprising double garage, store and family room with bedrooms above and attic den at the Gardeners Cottage, Tydehams, Newbury.
2. In accordance with the Council's Constitution, Councillor Gary Norman, Parish Council representative, Mr Paul Donald and Mr Francis Clayton, objectors, and Mr Arnold, applicant, 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. He suggested that to mitigate residents' concerns, Members, if minded to approve the application, could consider applying conditions on hours of work and landscaping. Officers recommended the Committee grant planning permission.
4. Councillor Norman in addressing the Committee raised the following points:
 - He was Vice-Chairman of Newbury Town Council's Planning and Highways Committee and was a Member for Wash Common, where the site was located. He was not a member of the Committee at the time the application was discussed.
 - The size of the extension had been reduced since the application was considered however this and other changes made had not effected Newbury Town Council's objection.
 - It was disappointing that neighbours had not been able to have input into the design.
 - Councillor Phil Barnett asked whether Councillor Norman was aware that Newbury Town Council's view of Tydehams was that it was an area which benefitted from large houses and large gardens. Councillor Norman stated he was aware that the Heritage Working Group sought to list some of the properties in that area.
5. Mr Donald and Mr Clayton in addressing the Committee raised the following points:
 - It was disappointing that the officers recommendation had been made to the Committee before the site visit.
 - The applicant's ambition for the extension could be achieved on a smaller scale.
 - Rendering would cause the property to look like an overwhelming mass.
 - Mr Donald had raised objections to the plans in October 2018 and no additional modifications had been made to the plans as a result. Newbury Town Council unanimously objected to the application.
 - The proposal conflicted with the Council's Supplementary Planning Guidance: House Extensions 2004. It would not be subservient to the main property and would cause overshadowing.
 - It would not enhance the appearance of the area.
 - The application should be rejected, or at least deferred so the applicant could agree a design with neighbours.
6. Councillor Jeff Beck sought to clarify that officers had made a recommendation but a decision had not been made at the time of the site visit.

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7. Councillor Jeff Cant questioned whether there had been no consultation by the applicant with the neighbours. Mr Donald advised that the last time he had spoken to the applicant was in October 2018.
8. Derek Carnegie stated that Mrs Hannah Donald, who had registered to speak as a supporter of the application, had not been able to attend the Committee at short notice. The Chairman permitted Derek Carnegie to read a short letter which raised the following points:
 - She lived opposite the plot and her extension had been approved.
 - The proposal was in keeping with the road and not too large.
 - Eight other properties in Tydehams were rendered.
9. Mr Arnold in addressing the Committee raised the following points:
 - The proposed extension had been reduced in size by 30% to the original proposal.
 - There was no intention to use the extension as anything other than an integral part of the family home.
 - No windows would overlook the neighbouring property.
 - Mr Arnold had been under the impression that Mr Donald had no objection to the application until it was submitted.
 - There would be no loss of light or overshadowing to his immediate neighbour's property.
 - There was a strong precedent for render in the area.
 - The design was in accordance with local and national policies.
 - The total footprint of the house would be around 5973 ft² on a plot of around an acre; his immediate neighbour's house was over 8000 ft² on the same size plot.
10. Councillor Howard Woollaston asked if consideration had been given to locating the extension on the other side of the house. Mr Arnold advised that it would not work with the layout of the house.
11. Councillor Adrian Abbs asked for confirmation that there would be no overlooking from the dormer window. Mr Arnold confirmed that it was not intended and was only there to provide light.
12. Councillor Garth Simpson questioned why the roof had not been sloped down to single storey to moderate the impact. Mr Arnold advised that the purpose of the extension was to provide his children with bedrooms which could accommodate desks.
13. Councillors Abbs in addressing the Committee raised the following points:
 - He was Ward Member for Wash Common and knew the area well. Most extensions in the area were a dormer style on the second floor.
 - Only two properties in Tydehams were completely rendered.
 - Common themes in the objections were around intrusion, style and size.
 - He questioned why an 'attic den' needed a window.
 - The wood burner on the wall nearest Brockwell House could cause a nuisance.
 - There was no objection in principle to an extension.

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- The applicant should withdraw the application and take the comments raised at the Committee into account.
- 14. Turning to questions to officers, Councillor Andy Moore sought clarification on whether the footprint of the building would be 310m² in total or if this was the increased footprint. Derek Carnegie stated it would be the total footprint.
- 15. Councillor Beck stated that he supported the suggestion that conditions for hours of work and landscaping be included, should the Committee be minded to approve the application. He also suggested that a condition for officers to approve the colour of the render should be included.
- 16. Councillor Carlyne Culver asked how many properties in Tydehams were rendered as the Committee had heard different figures. Derek Carnegie advised that he did not have that information and stated that a variety of materials were used in the area. In the main, properties were screened by mature foliage. It was difficult to match brick and the render would give continuity between the house and extension. Brick could be painted without consent whereas the inclusion of a condition on materials would afford the Committee more control.
- 17. Councillor Abbs stated that fewer than ten properties were rendered and he asked for a view on how those properties related to their neighbours and if the extension should be stepped down. Derek Carnegie stated that it was a matter of subjective judgement and there were no hard and fast rules; planners had to find a balance taking into account local and national planning policies.
- 18. Councillor Woollaston enquired whether the Committee could request that the extension had plant growing up the wall. Derek Carnegie advised that this would be a matter for the landscaping officer when discharging the condition, if the Committee were minded to approve the application. It should also be noted that there was foliage in the control of the immediate neighbours to allow for further screening.
- 19. Councillor Abbs asked how certain officers were with the recommendation to approve. Derek Carnegie stated he had no doubt that a Planning Inspector would allow the application if it was brought to appeal.
- 20. Councillor Culver questioned paragraph 7.28 of the report which suggested that bats would be relocated if found and stated that any bats found on site should be left alone. Derek Carnegie advised that a trained ecologist would handle the matter. Councillor Culver further asked about hedges and Derek Carnegie confirmed that a landscape condition and the tree officer would ensure sufficient oversight.
- 21. Councillor Abbs asked whether windows on the southern elevation would overlook the garden of Brockwell House. Derek Carnegie stated that he did not think there would be an adverse impact.
- 22. Councillor Culver asked that a CIEEM certified ecologist was employed to inspect the hedges.
- 23. Councillor Moore asked whether the Committee could apply a condition to ensure that the hedge height between the two properties was maintained. Derek Carnegie advised that this could be looked into but he doubted that any residents would wish to reduce their own privacy.
- 24. In commencing the debate, Councillor Simpson expressed the view that Tydehams could be described as a semi-rural development of low density housing in large plots. Houses were of various styles and extensions were usually subservient and single storey. It was hard to reconcile that description with the

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extension proposed at Gardener's Cottage. The Supplementary Planning Guidance: House Extensions 2004 was the most frequently referred to document at the Committee which in his view had an urban bias; a 4.5m gap between gable ends was more appropriate in an urban setting. The extension would cause a terracing effect when viewed from the lane to the south east of the property and he agreed that deferral may be necessary to reconcile the weaknesses of the application.

25. Councillor Barnett agreed with a number of Councillor Simpson's comments regarding the more rural nature of the estate, renowned for large houses. He recalled that some of the large gardens had been sold and now formed Heather Gardens, off Monks Lane. The very large plots were capable of accommodating extensions which would be obscured by vegetation. He felt uncomfortable about the size proposed but considered the application acceptable and difficult to defend at an appeal. He would support deferment but would not vote against the officers recommendation.
26. Councillor Clive Hooker suggested that the Committee should not entertain the idea of deferring the application and should make a determination.
27. Councillor Abbs expressed the view that further consultation was required between the applicant and neighbours. He would have no choice but to go against the officers recommendation as he felt a better solution was available.
28. Councillor Cant advised that he had not heard an argument which offered a strong basis to refuse the application. The Council could be liable for costs at any appeal and although he understood the reservations, he would vote in favour of the application and avoid wasting taxpayers money defending an appeal.
29. Councillor Beck proposed that the Committee accept officers' recommendation and grant planning permission, including the additional conditions discussed by the Committee. The proposal was seconded by Councillor Cant.
30. Councillor Culver asked whether the Council would be setting a precedent if it did not ensure that the extension was subservient. Derek Carnegie advised that all applications were considered on their merits and the case officer felt that it met all policy considerations.
31. Councillor Woollaston stated that he would support the application although he felt it could be designed better.
32. The Chairman invited the Committee to vote on the proposal by Councillor Beck as seconded by Councillor Cant which at the vote was carried.

RESOLVED that the Head of Development and Planning be authorised to grant/ planning permission subject to the following conditions/for the following reasons:

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).

2. The development hereby permitted shall be carried out in accordance with the approved drawings 2018-212-002F titled proposed block plan and proposed plans and elevations received on 15 November 2018 and the GS Ecology bat survey report ref ECO2301 received on 20 June 2019.

Reason: For the avoidance of doubt and in the interest of proper planning.

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3. No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the extension hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character in accordance with the National Planning Policy Framework 2019, Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document Quality Design 2006, and Supplementary Planning Guidance House Extensions 2004.

4. No development shall commence until a bat box (Schwegler 2f or similar) has been installed on a suitable tree onsite by a licensed ecologist. The bat box will be used to receive any bats captured during the works to the building and shall remain on site for 5 years.

Reason: To provide biodiversity enhancements in accordance with policy CS17 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2019.

5. No development above foundations of the extension hereby permitted shall take place until a detailed scheme of landscaping to the side boundary of the site (alongside the property known as Brockwell House) has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) Completion of the approved landscaping scheme within the first planting season following completion of the extension hereby permission or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.

b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and in the interest of amenity in accordance with the National Planning Policy Framework 2019, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document Quality Design 2006.

6. No demolition or construction work shall take place outside the following hours:

Monday to Friday 07:30 to 18:00;

Saturday 08:30 to 13:00;

nor at anytime on Sundays or Bank holidays.

Reason: To safeguard the amenities of adjoining occupiers in accordance with the National Planning Policy Framework 2019, policy CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

7. The roof light in the east elevation of the extension shall be fitted with obscure glass before the extension hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: In the interests of the privacy and amenity of neighbouring property in accordance with the National Planning Policy Framework 2019, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

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The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, 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 Document; 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 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. A fee is required for an application to discharge conditions.
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 development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
5. Tree protection precautions informative note:
 - To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.
 - In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
 - Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
 - To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
 - If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold

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boards to prevent compaction of the soil and roots. This could be underlain by a non-permeable membrane to prevent lime based products / chemicals entering the soil

- If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.

- If lime based products are to be used for strip foundations then any roots found should be protected by a non-permeable membrane prior to the laying of concrete.

DC

(The meeting commenced at 6.30 pm and closed at 7.45 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item No	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	19/01540/HOUSE Hampstead Norreys	16 August 2019	Extension to garage and first floor extension Cherry Hinton, Newbury Hill, Hampstead Norreys Mr and Mrs Clark

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/01540/HOUSE>

Recommendation Summary: **The Head of Development and Planning be authorised to GRANT planning permission.**

Ward Member(s): Councillor Carolyne Culver

Reason for Committee determination: Called in by Cllr Culver given similarity with previous applications.

Committee Site Visit: 8 August 2019

Contact Officer Details

Name: Liz Moffat
Job Title: Assistant Planning Officer
Tel No: (01635) 519111
E-mail Address: elizabeth.moffat@westberks.gov.uk

1. INTRODUCTION

- 1.1 This householder application seeks planning permission for the extension to a garage, and a first floor extension to a dwelling known as Cherry Hinton, Newbury Hill, Hampstead Norreys.
- 1.2 Cherry Hinton lies within the settlement boundary of Hampstead Norreys and the village Conservation Area, as well as the AONB. The application site is a modern 3 bed detached property dating from the 1960s which was built to the rear of a pair of period cottages in Church Street, prior to the erection of Flint House which lies on the corner of Church Street and Newbury Hill.
- 1.3 An application was considered and refused by Members in June/July 2017 which sought permission to add a single storey rear extension and a two storey side extension providing a garage and en-suite bedroom above. This application was dismissed at appeal however it was determined that the single storey rear extension could be erected under permitted development and this element has since been completed.
- 1.4 A further revised application for a two storey side extension (without the rear dormer) was refused by Members in November 2018. Although the applicants wished to appeal this decision, they did not submit the appeal in time.
- 1.5 An application for a dormer to the front of the property has since been approved and completed. This application is for a further reduced scheme to provide a side extension incorporating a fourth bedroom with en-suite above a new replacement garage.

2. PLANNING HISTORY

- 2.1 The relevant planning history for the application site is summarised below:
- 19/00697/HOUSE – Dormer window, tiled canopy roof over entrance. Cement render to front elevation – APPROVED 30.04.19.
 - 18/01914/HOUSE – Two storey side extension – REFUSED 23.11.18.
 - 18/00861/HOUSE – Single storey rear extension and two storey side extension – REFUSED 02.07.18 – Dismissed at Appeal 30.10.18.
 - 353/62 – House and garage – APPROVED 1962.

3. PROCEDURAL MATTERS

- 3.1 Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 The application has been publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015 with the display of a site notice for 21 days. The site notice expired on 29.07.2019.

4. CONSULTATION

Consultee	Summary of response
Parish Council:	Object. Not enough changes have been made to make a

	difference when comparing original and 2 nd application; Overbearing; overdevelopment; loss of light.
Highways Authority:	No comments.
Conservation Officer:	No objections as I do not feel that the proposed extension would harm the character or appearance of the conservation area.
Public Representations:	15 letters of objection with concerns relating to overdevelopment, loss of light, prominence, impact on the conservation area. 15 letters of support.

5. PLANNING POLICY

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at www.westberks.gov.uk/planningpolicy.
- 5.2 West Berkshire Core Strategy 2006-2026 (WBCS):
Policies: ADPP1, ADPP5, CS13, CS14, CS19
- 5.3 Housing Site Allocations Development Plan Document (HSA DPD):
Policies: C3, P1
- 5.4 The following documents are relevant material considerations:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - North Wessex Downs AONB Management Plan 2014-2019
 - House Extensions SPG (2004)
 - Quality Design SPD (2006)

6. APPRAISAL

- 6.1 The main issues raised by this development are:
- The principle of development
 - The design and impact on the character of the area
 - The impact on the living conditions of the neighbouring properties

Principle of development

- 6.2 The application site lies within the settlement boundary of Hampstead Norreys. Within settlement boundaries the principle of extending an existing dwelling accords with the development plan subject to its specific impacts. As Hampstead Norreys is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), conserving the landscape and scenic beauty is of paramount importance.

The design and impact on the character of the area

- 6.3 Through the provisions of the NPPF the government outlines the importance of the design of the built environment. Policy ADPP5 states that 'development will conserve and

enhance the local distinctiveness, sense of place and setting of the AONB'. Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Policy CS19 seeks to ensure the conservation and enhancement of the diversity and local distinctiveness of the landscape character of the district. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The sensitivity of the application site is increased because of its location within the AONB and conservation area.

- 6.4 Cherry Hinton is set within a group of residential properties and not immediately adjacent to any open countryside. The proposals are therefore not considered to have a harmful impact upon the wider open landscape quality of the AONB. Nonetheless conserving the quality of the built form within settlements is also a key consideration.
- 6.5 Cherry Hinton is set well back from the highway with a large area to the front used for parking. Ground levels rise from east to west such that Cherry Hinton is set slightly higher than the neighbouring properties to the east and lower than Elwood to the west, which is set further back within its plot. The properties on the opposite side of Newbury Hill are set closer to the highway. The impression is of a village location of relatively low density development with glimpses of the surrounding countryside.
- 6.6 This revised side extension has been further reduced from previous schemes so that the ridge is dropped by 1000mm and the eaves level is dropped by 1300mm to the rear. The rear wall has been set in by 700mm. The rear wall of the replacement garage will be in line with the rear of the garage on the opposite side of the boundary, and the front half of the new garage, as well as the first floor extension, has been inset by approximately 400mm and will therefore be further away from the shared boundary. The overall design to the front is similar to the previous schemes and which the Planning Inspector at appeal determined was sympathetic to the existing house and appropriate in a conservation area. Given these amendments to the scheme which result in a much reduced overall bulk, the proposed extension is considered acceptable.

The impact on the amenities of the neighbouring properties

- 6.7 According to Policy CS14, new development must make a positive contribution to the quality of life in West Berkshire. The Council's adopted Quality Design SPD and House Extensions SPG outline key factors to consider in terms of the potential impact on neighbouring living conditions.
- 6.8 The Planning Inspector's appeal decision letter is an important material consideration as it directly relates to the previous proposal on the site. It recognises that the primary impact of the development would be to No.1 Church Street. The size and location of the previous proposal was considered to have an adverse impact on the outlook from 1 Church Street which has a small rear courtyard garden, and would be therefore have an overbearing on the neighbouring occupants. The inspector noted the limitations of the site such as the close proximity of the extension to the boundary and the lower ground level to the east. It is considered, on balance, that the adjustments made to reduce the impact of the proposed development on this neighbour are sufficient to minimise the potential impacts on the neighbouring property to an acceptable level.

7. CONCLUSION

- 7.1 Having taken account of the aforementioned planning policies and the relevant material considerations including the decision letter of the previous appeal, it is considered that the

development proposed is, on balance, acceptable and conditional planning permission is justified. As such, the application is recommended for approval.

8. FULL RECOMMENDATION

8.1 To delegated to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the following 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).

2. The development hereby permitted shall be carried out in accordance with the site location plan, block plan and drawing number 239-01 received on 21 June 2019.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respond to local character and appearance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

4. No demolition or construction works shall take place outside the following hours:

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

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

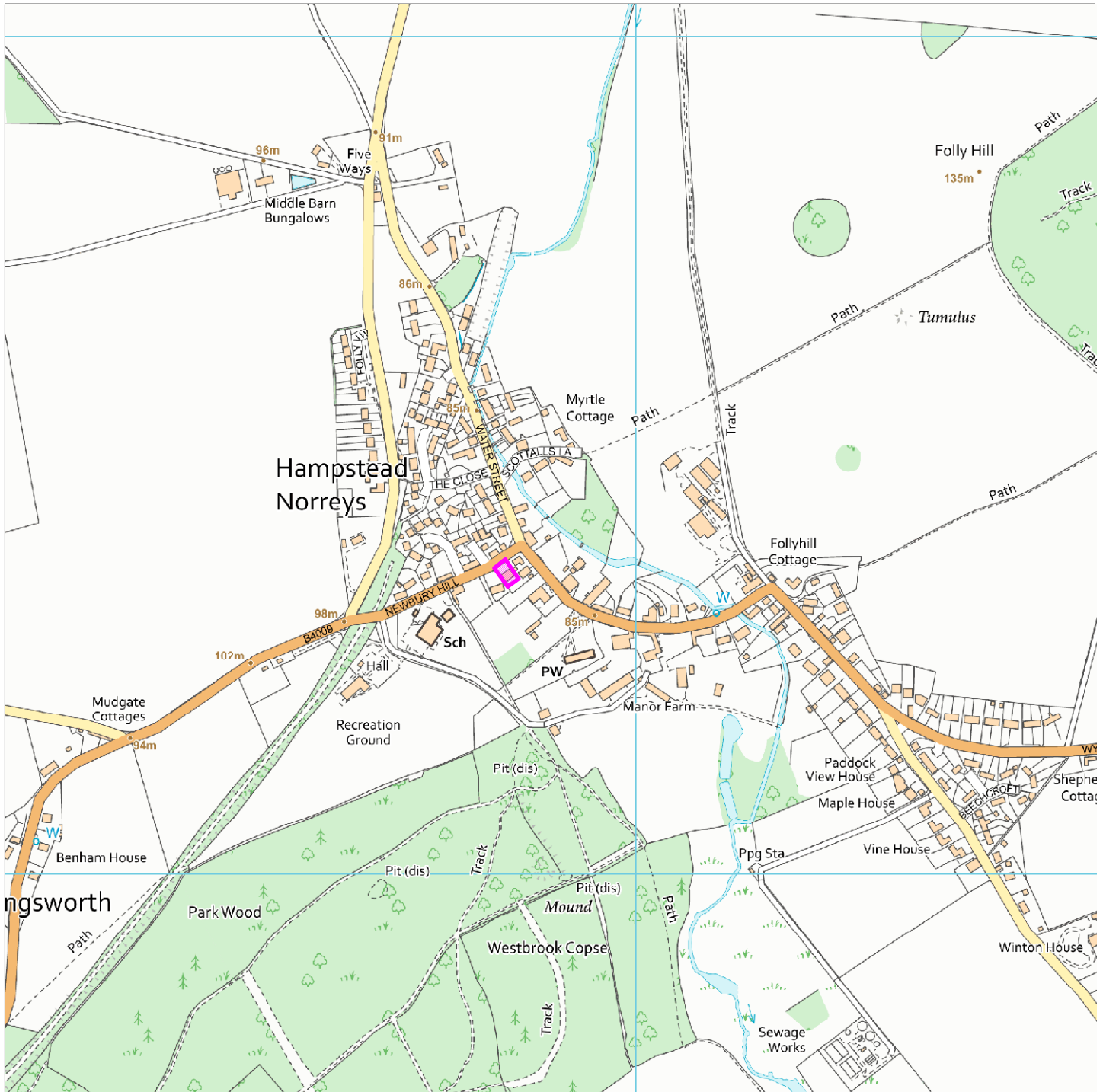
Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows/dormer windows which would otherwise be permitted by Schedule 2, Part 1, Classes A, B and/or C of that Order shall be constructed on the north-eastern side elevation of the dwelling, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Quality Design SPD (2006) and House Extensions SPG (July 2004).

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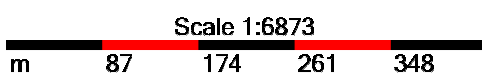
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	01 August 2019
SLA Number	0100024151



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Agenda Item 5.

<p>SHAW CUM DONNINGTON 18/00109</p> <p>Pins ref: 3214552</p>	<p>Donnington Grove Country Club Donnington Newbury Berkshire RG14 2LA</p>	<p>Section 73 - Removal of Condition 13 - Use/Occupancy Restriction which states: 'The apart hotel units, hereby approved are occupied for holiday purposes only; The apart hotel units shall not be occupied as a person's sole, or main place of residence; The adjacent hotel operator (Donnington Grove Country Club) shall maintain an up-to-date register of the names of all owners / occupiers of individual apart hotel units and of their main home addresses, and shall make this information available all reasonable times to the local planning authority' of approved planning reference 14/01943/COMIND.</p>	<p>Dele. Refusal</p>	<p>Dismissed 23.07.2019</p>
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The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.

The appeal is made by Sandtrend Ltd. against the decision of West Berkshire Council.

The application Ref 18/00109/COMIND, dated 11 December 2017, was refused by notice dated 23 April 2018.

The application sought planning permission for proposed annexe to provide an extension to existing hotel to provide 26 aparthotel units, together with associated landscaping and car park without complying with a condition attached to planning permission ref. 14/01943/COMIND dated 16 October 2014.

The condition in dispute is No. 13 which states that:-

The apart hotel units hereby approved shall be occupied for holiday purposes only; they shall not be occupied as a person's sole, or main place of residence. The adjacent hotel operator (Donnington Grove Country Club) shall maintain an up-to-date register of the names of all owner/occupiers of individual aparthotel units and of their main home addresses, and shall make this information available, at all reasonable times, to the Local Planning Authority.

The reason given for the condition is:-

The development is only considered to be acceptable if the units are restricted to holiday units and are not occupied as a person's sole or main place of residence. The site is outside of any defined settlement and the Local Planning Authority seeks to ensure that new residential development is not located in such areas, unless it has been sufficiently justified. This is in accordance with advice contained within the National Planning Policy Framework 2012 and Policies ADPP1 and CS10 of the West Berkshire Core Strategy 2006-2026.

Preliminary matters

The name of the appellant is spelled differently on the application and appeal forms. At the hearing, it was confirmed that the correct version is that stated in the above heading.

The application has been made under Section 73 of the Town and Country Planning Act 1990 for the carrying out of development without complying with a condition attached to an earlier grant of planning permission. The condition in dispute is condition No.13 of planning permission reference

14/01943/COMIND. That was a permission granted under S73 on an application relating to an earlier version of the same condition. The description of development that the Inspector has used above comes from that earlier permission, reference 13/00148/XCOMIN as that is the act of development proposed.

At the hearing, the appellant raised concern about this approach, on the basis that development had commenced and the wording the Inspector had used could imply a breach of planning control. The Inspector was satisfied that this is not the case as, reading the heading in full, it is clear that the appeal relates to a request to carry out development without complying with Condition 13 only. As the building itself is not yet built, there can be no breach of that condition at this time.

If the Inspector were to allow the appeal, the effect would be to grant permission for the development without a condition restricting occupancy. In effect, it would permit the construction of 26 units of housing for permanent residential use. Although the description of development would still refer to 'aparthotel units', the lack of any occupancy condition would allow permanent occupation.

The Council's second reason for refusal concerned a lack of affordable housing provision within the development. Subsequently, the parties have agreed a scheme that would enable 30% of the dwellings to be provided as affordable housing. It was confirmed at the hearing that, subject to a planning obligation to secure the affordable housing, the Council accepted the affordable housing proposal as suitable for the site. There is no substantive evidence that this would not be the case, so the Inspector found that this matter is no longer in dispute.

Following the hearing, a completed Unilateral Undertaking planning obligation has been provided. As well as providing the required affordable housing obligations to overcome the second reason for refusal, it also provides a mechanism for ensuring that the proceeds of the development are re-invested in making improvements to Donnington Grove Country Club.

Main Issues

The main issues are:-

(i) Whether the site is in an appropriate location for the development with regard local and national planning policy and the accessibility of services and facilities; and

(ii) whether there are any other material considerations that could outweigh any conflict with the development plan, with particular regard to benefits to tourism and the rural economy.

Reasons

Location of development

Area Delivery Plan Policy (ADPP) 1 of the West Berkshire Core Strategy 2012 (CS) sets out the overall spatial development strategy for West Berkshire. It indicates that development over the plan period will follow existing settlement patterns with most development located in or adjacent to various listed settlements, of which Newbury is the largest. CS Policy CS1 sets out the overall number and types of locations in which new housing should be delivered. CS

ADPP2 sets a specific vision for Newbury, confirming the target number of new dwellings and broad locations for growth that do not include the appeal site.

Policy C1 of the Housing Site Allocations Development Plan Document 2017 (HSA) goes further to indicate that other than for certain exceptions, there will be a presumption against new residential development outside defined settlement boundaries. There is no dispute that this principle of restraint applies to the location of the appeal site, which is in an area defined by the development plan as open countryside, and that the proposal is not covered by the exceptions.

Together, these policies seek to direct development to the most accessible locations. It was agreed at the hearing that the site was within walking distance of a number of facilities. There was also no dispute that there are more facilities within walking distance than when a previous Inspector dismissed an appeal (Ref: APP/W0340/A/12/2182113) for a similar proposal to permit the development without complying with an earlier version of an occupancy condition.

However, whilst the Golf Course at Donnington Grove adjoins the settlement limit for Newbury, the site is broadly centrally located within that Golf Course. Whether or not it should be considered isolated, there is a significant detachment from the built form of the main urban area. The walking route to the urban edge and closest bus stops, along the lengthy site access drive is a managed environment and may not attract so much traffic as the surrounding public highways. However, the drive is narrow and the Inspector found at the site visit that it was necessary to step onto the grass verges to allow cars to pass. This detachment from the urban edge, which gives a rural feel, along with the characteristics of the route is unlikely to encourage travel by non-car means in order to access the majority of services, especially in inclement weather. As such, the Inspector was not lead away from the earlier Inspector's finding that a very high proportion of journeys to and from the dwellings would be made by private car.

The existing permission for aparthotel units would undoubtedly generate some need to travel. The wording of the condition in dispute is such that there is no limit on the length of time that a unit can be occupied by the same person or group of people. As such, it could be occupied for a significant part of the year where occupants may wish to access local services beyond the facilities at the Country Club. This differs from the situation when the other Inspector considered the earlier appeal which related to a time-limited condition.

However, whilst the permission has been implemented and the parties now agree that it should be considered as previously developed land, which is a further change in circumstance from the previous appeal decision, the aparthotel building has not been built. The evidence points to the extant permission being unviable to develop due to the occupancy restriction. In this context, he found no conclusive evidence that the building would be built in the near future and, therefore, place limited weight on the extant permission as a fall-back position.

The Inspector's attention was drawn to a recent development at a former fish farm within the Donnington Grove estate which can now be occupied as permanent dwellings. However, whilst residents would generate similar travel patterns to those at the appeal site, the scheme arose in part from the conversion of existing buildings. That scenario engages a different planning policy context and a different balance of considerations, so he did not find that it indicates that this wholly new build development should be permitted without an occupancy restriction.

The Inspector found that the location of the site outside the development boundary brings the proposal into clear conflict with HSA Policy C1. It would also conflict with CS Policy CS13 which seeks to reduce the need to travel and demonstrate good access to key services and facilities. In light of these findings, whilst CS ADPP1 allows some flexibility in terms of the

location of development, and may not expect all development to be provided within defined settlement boundaries, and the proposal may not harm the relationship of Newbury with the open countryside beyond, he also found that the proposal is not well related to the transport accessibility of the settlement. As such, the conflict with Policy C1 is not superficial, nor at odds with the aims of ADPP1.

ADPP1 is, however, broader in scope and also permits limited development in the countryside focussed on addressing identified needs and maintaining a strong rural economy. The Inspector turned to the effect on the economy later, but regardless of his findings on the second main issue, given the weight that he had placed on the fall-back position, he did not find that the development of 26 dwellings is 'limited'. Therefore, it cannot comply with this aspect of ADPP1.

In failing to comply with ADPP1 and the settlement hierarchy, there is also a conflict with CS Policy CS1 that further clarifies the strategy for housing delivery across West Berkshire. The proposal does not accord with the general vision in terms of locations for new housing at Newbury set out in CS ADPP2, although the policy does not explicitly place an embargo on development elsewhere, so there is no clear conflict with it.

Overall, with regard to the above, he found that the proposal conflicts with the development plan and the site is an inappropriate and harmful location for new permanently occupied housing.

Material considerations

There is no dispute that Donnington Grove Country Club makes a sizable contribution to the local economy. The scheme as first conceived for aparthotel units would provide additional hotel accommodation and consequential additional economic benefits. However, as already noted, that scheme is not viable to develop.

The Country Club has now been trading at a loss for some time. There is no dispute that a range of projects could significantly improve the viability of the business so as to realise a profitable trading position. The proposal to develop the site so that it could be permanently occupied housing would provide a significant injection of capital that the submitted planning obligation would ensure was directed to these projects. In turn, that investment could secure the future of the business and allow it to continue contributing to the economy.

It may well be that the projects would ultimately put the business on a sufficiently secure financial footing to allow it to continue to grow in the future, increasing the contribution to the local economy. Given that the vision for Newbury, set out in the CS, indicates that tourism will play a bigger part in the town's economy, the Inspector placed substantial weight on these benefits.

Benefits will also arise from the delivery of affordable housing, although due to the shortcomings in location of the site, this receives only moderate weight. The investment in the main building which is Grade II* listed, is also a benefit as is the consequence of providing greater security over the future use of this heritage asset. However, there is no evidence that the building is at risk and so this matter receives only limited weight.

The delivery of housing in itself is also a benefit as is the additional spending that would result from future occupiers and economic benefits during the construction phase. However, given that the Council can currently demonstrate sufficient housing land supply, the locational shortcomings led the Inspector to only place limited weight on these benefits.

The planning obligation also requires that a discounted membership of Donnington Grove Country Club would be offered to each residential unit. However, whilst that could some

provide further benefit to the Country Club, it is only a requirement to offer and there is no substantive evidence that it would make a significant contribution to the business. The Inspector, therefore, give this obligation very limited weight.

Planning balance

The proposal is not in an appropriate location for new housing. It conflicts with the development plan in this regard. There is no substantive evidence suggesting those policies with which he had found conflict are not in conformity with the National Planning Policy Framework or any other reason as to why he should not give the development plan full weight.

The previous Inspector had insufficient evidence that the proposal would provide a benefit to the Country Club. By contrast, he had significant evidence before him in that regard and had attached substantial weight to the benefits that would result.

Permission was originally granted for aparthotels as tourism accommodation. Controlling the use in this way goes to the heart of reasons for granting permission which would otherwise be unacceptable in this location. The units as originally intended are unlikely to be developed, and so will not yield the benefits originally expected. However, that also means they receive limited weight as a fall-back position and the proposal before him is effectively for new housing in the countryside.

The development would provide a much-needed capital injection that could place the Country Club on a sound financial footing for the future and allow it to continue contributing to the local economy. The development would not provide tourism benefits in itself, but would result in a harmful pattern of development, contrary to the development plan. Overall, the Inspector found that the material considerations are not of sufficient weight as to indicate a decision other than in accordance with the development plan.

Conclusion

The condition remains justified and the appeal is dismissed.

DC

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