

Note: These minutes have been approved. Please see minutes of 11 November 2020 for any amendments.

## **WESTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 14 OCTOBER 2020**

**Councillors Present:** Adrian Abbs, Phil Barnett, Dennis Benneyworth, Hilary Cole, Carlyne Culver, Clive Hooker (Chairman), Andy Moore (Substitute) (In place of Tony Vickers) and Howard Woollaston

**Also Present:** Sharon Armour (Solicitor), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer), Lydia Mather (Senior Planning Officer), Matthew Shepherd (Planning Officer), Anna Smy (Team Manager - Environmental Quality) and Simon Till (Senior Planning Officer)

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

#### **PART I**

##### **25. Minutes**

The Minutes of the meeting held on 23 September 2020 were approved as a true and correct record and signed by the Chairman.

Councillor Carlyne Culver asked whether Conditions regarding the underpass had been omitted from the minutes for Items (4)1 and 2. Planning officers were asked to investigate and confirm at the next meeting.

##### **26. Declarations of Interest**

Councillor Carlyne Culver declared an interest in Agenda Items (4)2, 3 and 4, but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillor Phil Barnett declared an interest in Agenda Items (4)2 and 3, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Adrian Abbs and Howard Woollaston Barnett declared an interest in Agenda Items (4)4, 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.

The Chairman informed the Committee that, due to the priority of the application and his concerns regarding the time available to discuss all four Items, he had decided to bring forward Item (4)4 to second in the running order. This decision was made under section 7.3.3 of the West Berkshire Council Constitution.

##### **27. Schedule of Planning Applications**

- (1) Application No. and Parish: 20/01083/FUL - Quill Cottage, Craven Road, Inkpen**

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01083/FUL in respect of Quill Cottage, Craven Road, Inkpen. The application sought permission for a replacement dwelling and was brought to Committee as a result of call-in by ward members.
2. Simon Till introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was not acceptable in planning terms and officers recommended the Committee to refuse planning permission.

### **Removal of Speaking Rights**

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
4. The above changes to speaking rights were subsequently amended at the Council meeting on 10 October 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
5. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from the applicants. The written submission was read out by the Clerk as follows:

### **Applicants Representation**

Clearly the Planning Officer (PO) has spent a lot of time on this but none of it in consultation with us. Despite the Committee's recommendation there has been a refusal to engage. I've tried to concentrate below on responding to the main points.

### Procedural Matters

The PO quotes two Appeal Cases in support of her argument but they are quite different to our application; one sites the proposed dwelling in an entirely different location to the existing and the other application proposes a property with a footprint 260% larger! We propose 10% larger

### Appraisal – Principle of Development

Effectively what we're doing is adding a floor to a bungalow. The only difference is we're starting from scratch rather than using the old inefficient building.

Measurements and drawings have been supplied and for the most part adopted by the PO. Previously the figures were misleading to committee, giving the impression we wanted to build something far larger and grander than we do. This is not a 'substantial house'. I'd like to draw your attention to two drawings:

- Amended 062 A – Pro Street Scene
- Amended 060 B – Pro Elevations

Both drawings clearly show a comparison between existing and proposed dwelling as seen from the front. We propose an extra 10% on the footprint and less than 50% increase in height.

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

C7 has a presumption in favour of replacement dwelling but I agree it must be proportionate. We've gone to great lengths to make sure it is. No one can afford to build 'like for like' and as long as C7 is used to stop a modest increase in size then the Policy effectively stops replacement dwellings. All we're doing is adding a floor to a bungalow.

### Appraisal - Character and Appearance

There seems to be much written by the PO regarding what might be seen of the house and from where. This is irrelevant because it's wholly dependent on what we do with the boundary hedges. Rather, the whole existing dwelling must be compared with the whole proposed dwelling. Whether this acts in our favour or not is a matter of opinion.

I take offence to the suggestion we would not build something of a high quality design. We have designed the house using the Village Design Statement on a road where no two houses are similar. I'm not sure how we find agreeable design features other than referring to the Village Design Statement, a document we have followed closely. When it comes to 'green credentials' we submitted a detailed Sustainability Statement with the application and this illustrates our wish to exceed current guidelines in making it environmentally friendly. The current dwelling is grossly inefficient.

The PO gives great weight to conserving and enhancing the landscape, I couldn't agree more. The proposal will be a vast improvement on what is currently there and we have local support.

### **Member Questions Relating to the Applicant's Written Submission**

6. Members did not have any questions relating to the written submission.

### **Ward Member Representation**

7. Councillor Claire Rowles in representing the Committee as Ward Member made the following points:

- The applicant's measurements now matched those of the officer.
- Policy C7 did not specifically refer to percentage increases, but they were a helpful guide when considering proportionality and impact.
- The development represented a 10% increase in footprint, and 49% increase in height.
- Although the Parish Council had objected, there were six supporters, including immediate neighbours, who considered it to be in keeping with the character of the area.
- Appeal decisions cited in the officer's report were irrelevant. One referred to proximity to an existing agricultural barn, and the other to demolishing and replacing three units with one dwelling.
- The officer had indicated that dormer windows were not part of the street scene, but Councillor Woollaston had previously noted six within half a mile of the site. The officer had indicated a large level of glazing on the front and rear elevations, but had subsequently confirmed the glazing at the front to be less prevalent than at the rear.
- The applicant had followed their interpretation of the Inkpen Village Design Statement relating to appropriate materials. The officer considered the chosen materials alien to the street scene, yet there were five brick and flint properties within one mile of Quill Cottage. The applicant was happy to be flexible on materials and could have discussed this, if officers had engaged with them.

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

- The officer had included a statement that the property could be altered at a later stage to include a third floor with a maximum height of 1.6m without planning permission, but this was irrelevant and impractical.
  - The proposed development would not be overly visible from the public right of way and Councillor Tony Vickers had agreed this at the last committee meeting.
8. Councillor James Cole in representing the Committee as Ward Member made the following points:
- At the 22 July 2020 meeting of this committee, it was asked whether the parties had been able to discuss areas of conflict, or if they were in dispute. He had noted at that meeting how little discussion there had been between the applicant and the planning officer.
  - Members had only been able to discuss the application with the officer two days before it was due to be heard at Committee in September. They had been told that conversation was unnecessary and figures had been agreed. However, changes were required, but despite this, there had been no verbal engagement with the applicant in 10 months. He noted the planning officer was not present at this meeting.
  - At the July 2020 meeting, speaking as ward member, he had suggested that determination be deferred. As a Committee Member, he had subsequently been accused of pre-determination, but had been unable to determine the application because the figures did not stack up.
  - This was not an example of professional developers buying, doing up and selling on, or buying with intent to immediately enlarge. The applicant had been in the property for three years, and wanted to replace the existing inefficient bungalow, that had little architectural merit.
  - He considered the increase in volume to be proportionate, but the officer did not. He cited a recent application (Fishery Cottage 20/003204) where the following statement had been made: "...any replacement for a replacement dwelling that more than doubled the original dwelling, would normally be regarded as disproportionate, as it would be more dominant than the original". This suggested that 100% increase was acceptable. He considered it likely that the applicant would win if they went to appeal, since the proposal was compliant with local policy as interpreted by officers.

### **Member Questions of the Ward Members**

9. Councillor Adrian Abbs asked the ward members if the officer's or applicant's calculations had been revised in order to reach agreement.
10. Councillor Rowles referred to page 67 of the report which showed the applicant's figures to be largely in line with the officer's, with the exception of the length and volume.
11. Councillor James Cole noted that the figures were quite different to those produced by the planning officers previously. Councillor Abbs repeated his question. Councillor Rowles confirmed that officer had revised her figures, to be more in line with the applicant's measurements.
12. Councillor Dennis Benneyworth confirmed that he had visited Quill Cottage and asked the ward members to elaborate about the proposed materials.

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

13. Councillor Rowles indicated that she had been informed by the applicant that there were five properties within one mile of Quill Cottage that were brick and flint, including: Graftons; The Old School House; West Court; Withers Farmhouse; and The Old Rickyard. She also noted that there were four other nearby properties built from new brick: Lower Greenhouse; Meadow Bank; Bitham Farmhouse; and Marchwood. However, she confirmed that she had not visited these properties personally.
14. Councillor Howard Woollaston noted that there was a discrepancy between the height quoted, with officers stating (2.5m), but the plan showing (1.8m). Councillor Rowles suggested that this should be a question for officers.

### **Questions to Officers**

15. Councillor Abbs asked if the planning officer's figures had been revised to bring them in line with the applicant's.
16. Simon Till explained that the original elevations provided to officers had not been to scale. The measurements provided by the case officer in the previous report were based on what was visible, which led to some confusion. He noted that the basis of the officer's report, and the basis of the applicant's plans were different.
17. Councillor Andy Moore asked about the view from the footpath to the rear of the property. He noted that it was difficult to see the existing property, and asked how much more dominant the proposed property would be from that perspective.
18. Simon Till confirmed that there was considerable vegetation to the rear boundary, which in combination with the slope would substantially screen the property. He noted that the case officer had not raised concern about the view from the rear, but any loss of vegetation would result in more visual prominence, particularly from the side and front.
19. Councillor Moore asked whether maintenance of the screening could be conditioned. Simon Till responded that this was a matter for members to decide, but highlighted that a standard condition only required retention of planting for up to five years, and stated that case law showed long-term retention of landscaping to be unreasonable and difficult to enforce in most circumstances.
20. Councillor Moore asked what materials would be acceptable to officers. Simon Till explained that attempts had been made to engage in discussions with the applicants about alternative materials, however the applicants had declined to alter the choice of materials. While the applicants had indicated that alternative materials could be considered, none had been suggested. He noted that materials were proposed as part of the application and would be approved, if the application was approved, unless a condition was imposed to vary the materials, but he could not say what those materials might be.
21. Councillor Woollaston asked about the discrepancy in the height shown on the plan (1.8m) compared to that mentioned in the report (2.5m). Simon Till indicated that the percentage increase had been agreed with the applicant, He suggested that the 1.8m figure was correct. Councillor Woollaston pointed out that 1.8m did not equate to a 49% increase. Simon Till indicated that he was unable to measure the plans at that moment. Councillor Woollaston stated that 2.5m was very different to 1.8m and that if the plan was correct, then the increase was not 49%.
22. Councillor Benneyworth asked if the choice of materials was a subjective matter.
23. Simon Till indicated that the object of quality design was to apply objective criteria to things like choice of materials. This included whether the materials were

## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

prevalent in the local vernacular and a dominant characteristic of the street scene. He suggested that the proposed materials were a rarity, rather than a well-distributed feature. He stated the officer's view was that the design, and large expanses of flint proposed, would be alien to the area.

24. Councillor Benneyworth highlighted the examples of flint in the area, which meant that the materials would not be unique. He also suggested that it would be in the applicant's interest to maintain screening on the property boundary.
25. Simon Till suggested that the applicant may not be the long-term owner of the property. He highlighted that there were other instances where large-scale felling of trees on property boundaries which had resulted in developments becoming visually intrusive. He suggested that while screening can help to soften visual impact, it should not be considered as something that would be maintained in perpetuity.

### Debate

26. Councillor Clive Hooker noted that there may be errors on the drawings, but reminded Members that decisions were made on policies, including Policy C7. He highlighted the need to consider the proportionality, scale, bulk, mass and height of the proposal. He also indicated that Members should consider the design, including whether the proposed materials would be sympathetic in the street scene.
27. Councillor Abbs opened the debate. He indicated that he was minded to approve the application and noted that if the measurements were wrong, then the statement about the proposal being disproportionate was also wrong. However, he noted that just because it would be increased in volume by less than 100%, this did not mean that it should automatically be approved, as Councillor James Cole had indicated. He noted that there were still issues with the figures, despite the fact that determination had been deferred in order to clarify these. He suggested that the Council would lose at appeal if the application was delayed further. He proposed to go against the officer's recommendation and approve the application.
28. Councillor Woollaston indicated that the proposed increase in footprint was just 10% and considered the existing bungalow to be an eyesore. He noted that there was support for the proposal from local residents and only the parish council had objected. He indicated that he would also be voting against the officer recommendation.
29. Councillor Hilary Cole noted that although the local ward members were good advocates for the applicant, the development was contrary to planning policies C7, C19, C3 and CS14. She considered the proposed building to be too bulky with too much fenestration to the rear, which would affect the dark skies in the Inkpen area. She indicated that she rarely agreed with Inkpen Parish Council on planning issues, but considered that they were correct in this case. She suggested that unless the application were finely balanced, it was the role of the Committee to support and uphold the Council's planning policies, and urged Members to bear this in mind when voting.
30. Councillor Benneyworth suggested that this application was in the balance, pivoting around Policy C7 in terms of proportionality. In this instance, he felt that it was subjective and the result would be an improved property. He indicated that he was reluctantly minded to go against the officer's recommendation and approve the application.
31. Councillor Phil Barnett seconded Councillor Abbs' proposal.

## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

32. Councillor Moore indicated that further dialogue was needed on materials, but indicated that he was also minded to support Councillor Abbs' proposal.
33. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs and seconded by Councillor Barnett to go against officer's recommendation to refuse the application. At the vote, the motion was carried.
34. David Pearson indicated that he had discussed the matter at length with the Development Control Manager, who had decided that the matter should be referred up to District Planning Committee if Members were minded to approve it.

**RESOLVED** that the application be referred to District Planning Committee for determination.

### **(2) Application No. and Parish: 20/01658/FUL - Old Station Business Park, Compton**

*(Councillor Phil Barnet declared a personal interest in Agenda Item(4)2 by virtue of the fact that he was often called onto site. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Carolyne Culver reported that she had been lobbied on Agenda Items 4(2)).*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/01658/FUL in respect of external works to include new external chemstores/storage/chiller containers positioned outside unit 4, 5, 6 and 7, 8, 9. New adjoining covered walkway/canopy between 4, 5, 6 and 7, 8, 9. Building alterations to include new extraction ductwork, fan and general fittings. New retaining wall to east (outside unit 6), Internal modifications to floor plans, replacement external doors to rear elevation to Unit 4, 5, 6.
2. Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable.
3. Officers recommended the Committee to delegate to the Head of Development and Planning to grant planning permission subject to the conditions listed in the main report and in the update report.
4. The Chairman invited the Highways Officer to comment. Paul Goddard noted the Highways Officers had originally raised an objection, as car parking had been an issue on the site for years, to the extent that vehicles parked along the access to the site. However, it was pointed out by the applicant that this was no longer an issue as the majority of employees were working from home, due to changes in working practices caused by Covid-19. He had therefore content to agree for a two year temporary consent for the units to be in situ in the parking spaces.

### **Removal of speaking rights**

5. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.

## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

6. The above changes to speaking rights were subsequently amended at the Council meeting on 10 October 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
7. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Compton Parish Council (Mr Keith Simms), Mr Keith Simms, Mr David Vaughan and Mrs Helena Vaughan, objectors, Mr Jannis Kuepper and Ms Vanessa Eastwick Field, (Biosynth Carbonsynth), applicants, and Ms Jaymeni Patel (Jaymeni Patel Design), agent.
8. Written submissions were read out by the Clerk to the Committee as follows:

### **Compton Parish Council's Representation - Summarised**

#### ACOUSTIC COMMENTARY

NPPF Para. 180 states:

..mitigate and reduce to minimum potential adverse impacts resulting from noise... – and avoid noise giving rise to significant adverse impacts on health.

1. The Applicant should demonstrate how this will be achieved.
2. The LPA should ensure that this will be achieved.

The report (11/12/19) provides predictions of likely noise from Units 10–12 only, based on manufacturers' data. The assessment (23/7/19) is based on site measurements.

(i) Recommended targets pre-assume that noise will not have any noticeable character. The calculations do not provide detailed analysis but do suggest energy concentration in the 125 Hz octave-band. This may be indicative of a noticeable tone, which would worsen the subjective reaction to a given overall level of sound. Any targets derived from the baseline noise survey should reference a Rating level, as defined in BS4142:2014.

(ii) Predictions are based on extract fans running at reduced air volumes. Calculations reduce the noise emissions associated with full operation, simply in proportion with the proposed air flow, day and night. This is potentially inaccurate. More detailed assessment should have been conducted based on actual fan curves.

(iii) It is questioned whether all plant would have been operating at maximum capacity during survey (ambient temperature was less than 15oC). Also, were items of plant locked to their night-time 'set-back' (thereby underestimating daytime emissions)?

(iv) After 04.30 levels are said to have been influenced by the dawn chorus. All higher frequency sounds have been excluded thereafter. This may have excluded some site noise from the assessment.

(v) The report highlights uncertainty in the extrapolated levels at the dwellings.

(vi) The extrapolated levels of the extract fans are higher than previously calculated.

(vii) It offers a cumulative level from 'all equipment', yet notes that all plant associated with Units 10 – 12 is excluded.

(viii) Impact Assessment confirms adverse impact during the day, and significant adverse impact at night. Specific consideration of low frequency noise confirms a low frequency adverse impact.

(ix) The proposed mitigation is imprecise, suggesting only trial and error approach to the attenuation of an unspecified number of the containers.



## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

(x) The report confirms that equipment, excluding both the containers and the plant associated with Units 10 – 12, will generate close to a significant adverse impact at night. There is no information regarding which equipment requires attenuation, nor the degree of attenuation for each.

The site clearly emits noise which can cause adverse impact at residential neighbours. It is not possible to grant permission conditioned by a robust and detailed set of acoustic remediation. No such schedule of works is provided.

If the LPA grant permission, it is strongly recommended a condition be attached to ensure acceptable levels of noise. It is recommended the overall level of noise be set to a BS4142:2014 Rating level which is at least 5 below the daytime and night-time background noise levels confirmed by previous surveys. It is also recommended that low frequency noise internally (20 – 100Hz) does not exceed the ISO226 threshold curve for audibility.

### **Member Questions Relating to Compton Parish Council's Representation**

9. Members did not have any questions relating to the written submission.

### **Objector Representation - Summarised**

- In accordance with the Extraordinary Council resolution, as multiple parties had made written submissions, an officer has provided a summary of the issues raised. The full submissions were made available to the Members of the Committee, and have been published alongside the Agenda for this meeting.
- It is suggested these should be considered by committee as one item. There are documents on each application that refer to the other.
- The applications are retrospective in nature whereas permission should have been asked for first to avoid issues that have arisen.
- The Chiller units and AHU are in place, and whatever a noise impact survey says, they are having a detrimental impact on the local amenity causing loss of sleep, and a constant low level noise that grates when one is sat in our gardens enjoying our wonderful natural surroundings.
- A workable solution is possible in strict noise limits and operation times are put in place within a very short timescale if approval is given.
- These should be installed, enforced and monitored (possibly by a third party such as the Parish Council).
- Any approval requires strong conditions and fixed dates for removing the temporary items.
- These units were installed 2 years before the COVID19 pandemic hit, a fact missed off their supporting letter.
- Although it is commented upon within some of the correspondence that the noise issues have improved it is clarified by objectors that the noise nuisance has not gone away. It is not a loud noise but a low humming sound that is very intrusive
- The committee should be aware that Environmental Health Officer Tony McEvoy could hear the noise disturbance during a site visit on Friday 2nd October 2020
- Despite attempts by objectors it is still unclear when, and under what circumstance (such as weather conditions) the noise occurs or is most prominent. It was thought to be a result of warm calm days but the noise has occurred on colder days.

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

- It is postulated if the noise changes when deliveries occur or when certain products need to be chilled to a lower level.
- The noise survey does not seem to consider whether the cooling load at the time was a fair reflection of the loading that could be incurred
- The AHU on Unit 4/5/6 also seems to be a significant contributor but is not within the scope of this planning application.
- The quiet days and nights which we get in our rural setting have been most affected.
- It seems to me that the solution is to minimise the plant that is required on the site, both in terms of limiting it's on time and removing it if the function can be off site.
- The objector mentions that there is a possibility that the refrigerated units could be removed and these activates sourced elsewhere. TO which if possible should be condition that the containers are removed at this point.

### **Member Questions Relating to the Objector's Written Submission**

10. Councillor Adrian Abbs questioned Mr Keith Simms regarding when the noise problem occurred or if there was a pattern. Mr Simms explained that it was difficult to pin-point the exact pattern. There was a constant noise from the site, however the level was dependent on wind direction and ambient temperature. The applicant had said that an air handling unit was particularly noise offending, as it had to be kept at a constant temperature. It seems to be hit and miss with the constant noise, but the applicant has put some timings in to reduce the operation during non-office hours, which has helped considerably. Unfortunately, there is a low hum which seems to affect two houses in particular and is actually causing a significant problem. The low frequency noise had been identified on the applicant's noise survey.
11. Councillor Phil Barnett asked for clarification as to which specific houses were most affected. Mr Simms replied that in the officer's presentation one photograph showed a row of five houses, two of these homes were heavily impacted by the low frequency noise. All residents in the area have to put up with the constant noise, but recognised that they lived in a rural community, and were used to noise from farm equipment, and were therefore tolerant of a certain level of noise. However, the constant operation was causing the issue.
12. The Parish Council commissioned a noise consultant to comment on the noise survey, which was the content of the Parish Council's submission. It was interesting that officers had now incorporated this into their conditions in the update sheet. He considered that the change in conditions had made a significant difference to his objection to this application. It purely was the noise that was the problem, as the visual impact had been addressed by tree planting. With a scheduled statement of works approved by Council residents would also like to see continued monitoring of the situation. In his submission he requested that the Committee consider requesting the applicant to install some monitoring equipment on site and have those results audited. The industry was very used to monitoring environmental factors, and he hoped that a condition could be added.
13. Councillor Clive Hooker apologised for the late inclusion of the conditions and thanked him for accepting the conditions, and being more tolerant and accepting of the application.
14. Councillor Culver asked Mr Simms to expand on how he and his neighbours had been affected personally, in terms of the ability to sleep. Mr Simms replied that two of his neighbours were having significant issues because of the low level noise keeping

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

them awake. Mr Jones in particular had had completely sleepless nights, which was causing him a significant health issue.

15. Councillor Hooker asked whether it would be fair to say that the new conditions would improve the situation. Mr Simms hoped that would be the case, however the site had been riddled since its inception with enforcement difficulties.

### **Applicant/Agent Representation - Summarised**

- Jaymeni Patel Design are the acting agents on behalf of the applicant. The content of the application drawings present proposals to alter the existing industrial units in response to the client's brief.
- A significant aspect of the brief is driven by an immediate response to Covid-19 as critical suppliers to combat Covid-19. We have continued to work closely with the client's team to ensure every opportunity is taken to reduce the visual and noise impact on site.
- We have continued to work closely with officers to present, discuss and coordinate appropriate solutions including remedial works.
- It is of top priority the proposals ensure the safety of the staff and local community is maintained along with preserving the quality of the built environment.
- Biosynth Carbosynth is a world-leading expert in the field of enzyme substrates, carbohydrates, and nucleosides, and we support the global scientific community with our specialty products. We are a critical supplier to many international companies producing diagnostic tests and developing new therapies to combat COVID-19. We play an important role in providing key chemicals required to produce tools to tackle the coronavirus outbreak. We also support many pharma and diagnostic companies that are producing key products required to diagnose, control and treat many other diseases.
- Biosynth Carbosynth has grown over the last 15 years from a small local start up to a leading international chemical company. In Compton we employ roughly 100 highly qualified staff and we are proud to continue to attract and recruit local talent. To support the growth of our company the new building at Old Station Business Park expands our research and development capabilities to serve the scientific community.
- We are very aware of our rural location in Compton and the responsibility that comes with it. The board and senior management team takes this seriously and we focus strongly on only having a positive impact on the community. While building the new units, we took measures to minimize the visual as well as the noise impact on the neighbouring properties.
- The findings of a noise survey conducted prior to the construction were considered and noise mitigation strategies applied. We installed quiet air handling technology and timers, and the building and ductwork was painted in green to blend in.
- We were conscious of the need to improve the hedging along the western boundary and have planted 21 mature trees and 5 meters of hedging to reduce the visibility of the site from the neighbouring properties and improve the overall appearance of the site.
- We are in the process of generating more storage capacities off-site, for example the construction of our new warehouse in Slovakia is nearly finalized. In the meantime, we have taken noise mitigation measures addressing the raised concerns.

## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

- Thank you very much for the opportunity to present this statement and to be a part of this committee meeting.

### Member Questions Relating to the Applicant/Agent's Written Submission

16. Councillor Culver queried the justification for the new containers being due to Covid-19, when additional units had already been installed two years previously. Ms Vanessa Eastwick-Field explained that the earlier units had been temporarily brought on site prior to Covid-19, however two more units were needed to give staff the space to social distance.
17. Councillor Culver asked for clarification on the timescale for the completion of the warehouse in Slovakia. Mr Jannis Küpper advised that the hope was that the warehouse would be finalised towards the end of 2020.
18. Councillor Hooker asked when the new conditions had been added to the application. Ms Jaymeni Patel explained that the conditions were not added by the applicant. Their statement mentioned noise mitigation measures and this was in regard to discussions with the Planning Officers to mitigate the outcomes of the acoustic report. Discussions had been ongoing since the application had been submitted. Due to Covid-19, it had been difficult to meet the acoustician consultant on site, and it was only recently that they had received feedback. Prior to that the applicant had proposed some remedial works, and instigated some of the proposals on site, which are ongoing and subject to an assessment.
19. Councillor Dennis Benneyworth queried whether opening a warehouse in Slovakia would impact the need for capacity in Compton. Mr Küpper confirmed that the need for warehousing in Compton would be reduced. Councillor Benneyworth further queried whether this would therefore lessen the likelihood of noise and the impact on neighbours. Mr Küpper replied that it was his understanding that the noise from the site might be from the chilled containers, therefore if the relevant stock were to be stored in Slovakia, then the company would be happy to remove the containers from site and therefore the noise levels would be reduced.
20. Councillor Abbs checked his understanding regarding the movement of warehousing to Slovakia and asked for further clarification as to how the installation of switches could be installed on the chillers, which could not be switched off and on. Ms Eastwick-Field explained that they had worked with the noise survey consultant and had identified that the chillers were the cause of some of the background noise. The switches had been installed on the air handling units, which were turned down at the end of the working day, and not to the chillers. The warehousing in Slovakia would be chilled and would therefore allow for the reduction of the amount of cold storage kept at Compton. Since the air handling units had been switched off at night, residents had reacted positively to the reduction in the night-time noise level.
21. Councillor Abbs further queried, given the assumption that redundancies would not be required as the applicant had given assurances regarding increasing and hiring staff, how the empty warehouse space would be used and whether noise levels would be affected.
22. Ms Eastwick-Field noted that the reduction in the businesses requirement for chilling produce would mean that the external chilling units would be no longer needed. It was relatively clear from the noise survey that the chillers had the worst impact on noise levels, so she felt confident that the noise level would be reduced.
23. Councillor Abbs posited that once the units had been removed, lots of extra car parking space would become available. Ms Eastwick-Field agreed that there would be some extra car parking spaces. Councillor Abbs asked if this would be sufficient to

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

not need the temporary condition. Ms Eastwick-Field answered that the requirement for parking had changed for the business as whole due, to flexible working brought about by Covid-19. The company had been looking at flexible working prior to Covid-19 and expected to require less parking because of the change in the working pattern being offered to staff. Councillor Abbs concluded that the extra units would not therefore be required. Ms Eastwick-Field responded that this wasn't the case.

24. Councillor Hilary Cole noted that some of the Members questions were conjecture and not relevant to the application.

### **Ward Member Representation**

25. Councillor Culver in representing the Committee as Ward Member made the following points:

- Councillor Culver had called-in this application. There had been concern from a number residents about the noise nuisance and consequently their ability to sleep. Residents near the site had been going away in the evenings to sleep elsewhere, for example Air B&Bs and friends' houses, as they had not been able to sleep properly in their own homes.
- She noted that the disturbance was more of a problem recently, as more people were working from home due to a change in working patterns due to Covid-19, therefore people who may have previously been disturbed only during the evening, were also being disrupted during the day.
- She pointed out one of the noise surveys was conducted between 3am and 7am, in the summer, and suggested that that was the coolest part of the day, and therefore not a representative time at which to conduct such a survey.
- There were also inconsistencies in the experiences of residents and the consultants who had carried out the formal noise surveys about noise levels. Environmental Health Officers had spoken to Mr Vaughan and confirmed that they had heard noise at his rear hedge, however other reports concluded that there was no noise.
- Councillor Culver drew the Committee's attention to the fact that there were some containers which had been on the site since 2009 and should have been removed by 2011. The applicant had advised the Committee that the facility in Slovakia should be ready by the end of December 2020, therefore Councillor Culver queried that as several weeks would elapse before the proposed containers would arrive on site in Compton, how many weeks would the proposed additional containers be needed for.
- She also pointed out that on page 141 of the Venta Acoustics study, it stated that: "...although the weather during the survey was not suitable to show the worst case scenario of a warm day of no wind...", therefore by their own admission they had not chosen an opportune moment to demonstrate the worst case scenario, therefore the Committee did not have that evidence.
- There was a reference to a noise mitigation fence and it was her understanding that this was made of pallets. Residents were concerned that this was not of the correct construction. Should the application be approved, she urged that there should be a detailed Condition of what the fence should be constructed of, to ensure that it was effective.
- She urged Members to ensure that the conditions were very detailed, for example on page 140 of the Venta document there were a number of mitigation measures

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

mentioned. She felt that the Committee would need to add further Conditions to the approval to and ensure they are detailed and comprehensive enough and written in such a way that Planning Enforcement and Environmental Health Officers would be able to determine whether the Conditions had definitely been met, rather than being non-specific and open to interpretation.

- Finally, she thanked the applicants for attending the meeting and recognised their efforts in the response to Covid-19. She hoped they understood that she represented the residents of her Ward. Also her understanding was that most of the staff at the site came from outside of the Ward, and therefore the Committee really did have to bear in mind the effect that the noise nuisance was having on the residents sleep. She did not believe that the residents were fabricating the level of disturbance to their sleep. She queried why anyone who pay for an Air B&B in order to get some sleep, when they had a house to sleep in and she asked Members to take this into account.

### **Member Questions of the Ward Member**

26. Councillor Andy Moore asked whether Councillor Culver felt that the survey figures could be used for both sites, as she was quoting from a report regarding units 10-12 in the following application rather than units 3-5 and 6-9 on this application. Councillor Culver expressed the view that the applications for this site should have been considered as a whole, rather than in two applications. There are references to decibels in one of the applications that were not referred to in the other, but were applicable to both.
27. Councillor Hooker noted that the Committee had heard from Mr Simms that he was somewhat pleased that the additional conditions had been added and that it had slightly changed his opinion and he was more on the side of approving this application. He asked for Councillor Culver for her observations on the additional Conditions and whether they would reduce the nuisance level for residents. Councillor Culver recognised Mr Simms view and was also cognisant of the concerns of resident on Yew Tree Stables. If the Committee were minded to approve the application, the mitigation measures should be clear and detailed, so that they can be followed up by Environmental Health and Planning Enforcement.
28. Councillor Benneyworth queried whether that in addition to the updated conditions, she be inclined to include a sound proof fence. Councillor Culver agreed that she would.
29. Councillor Hilary Cole wondered if the Yew Tree Stables properties were there before the stables or not. Councillor Culver was unsure when the applicant had arrived, however she estimated that the stables had been there for approximately 20 years.

### **Questions to Officers**

30. The Chairman informed the Committee that an Environmental Health Officer was available to answer Members questions. Councillor Hilary Cole felt that the applications hinged on the noise issue and the perceived noise nuisance. She asked for the Officers professional view to the noise and the proposed mitigation. Anna Smy answered that a colleague had commentated that they had heard noise and that there was audible noise from the site. She had visited the site and reviewed the overall Council response and had determined that there were mitigation methods in place, however she was not clear what may or may not have been put in place. The applicant had suggested that timers had been installed, however she was not sure how effective the fencing was.

## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

31. She had looked at the measures taken and looked at the available conditions that could be imposed and had been imposed on similar sites and equipment. She believed that condition BS4 140 should be added, as it was more appropriate for this site to have a comparable condition, taking the background noise into account, as it can be affected by the weather or travel flow, rather than an absolute level. The consultant had said they could reach a certain level of decibel by calculating to the residential properties and that would mean they would meet the World Health Organisations levels.
32. Mitigation measures, such as silencers would whelp with air-flow noise. Where there were multiple noise sources, there was an element of trial and error, however, each individual noise source would need its own mitigation measure needed to be put in place and Officers recognised that these would need to be enforceable.
33. Councillor Moore questioned whether a more sophisticated condition might be more reasonable with regards to car parking in that, rather than two years, the length of time needed for temporary alleviation might be reduced. Paul Goddard noted that he had no objection to making the timescale shorter and asked what length of time the Committee would like imposed, subject to agreement by the Planning Officers. Councillor Moore queried whether it could be conditioned in relation to government advice on working from home. Paul Goddard felt that would be difficult as the pandemic ebbed and flowed and asked for advice from his Legal and Planning colleagues.
34. David Pearson asked Members to bear in mind that one of the tests for a conditions was that it needed to be precise and enforceable. If Members were concerned, he suggested that they could shorten the temporary permission to 18 months.
35. Councillor Abbs directed the Committee to page 143 of the report at 1.30am in the morning there was a 80 decibel spike, which was clearly high. There was a lot of noise from 4am in the morning until 8pm at night, which was outside of normal office hours. He asked what her observations of the noise surveys were. Anna Smy explained that with unattended noise monitoring it was difficult to be sure what had caused the spikes in noise level.
36. Councillor Abbs asked whether in the officer's opinion this was an adequate survey to base a decision on. Anny Smy answered that given the activities on site, and the number of noise sources there were it would be difficult to accurately pin-point which equipment was causing the problems. However, as an overall collective noise there was adequate information to say that, where back ground levels were low, and when all the noise sources were running at the same time, the noise level was high and audible and could be mitigated. If sufficient mitigation measures were not put in place, then officers would be recommending refusal.
37. Councillor Hooker asked about the apparent late submission of the conditions. Matthew Shepherd recognised that some of the conditions had come in late and had been added to the Update Report. The Scheme of Works had already been included, however it had been amended by adding a maintenance clause. Three conditions on lighting, noise from plant machinery and container noise had been added. Officers were taking an approach to trying to be as strong on the conditions as possible. He clarified further that there was an element of being reactive to new submissions, and that was the purpose of the Update Report. He apologised for the lateness, but added that it would be wrong not to react to newly raised issues.
38. Councillor Hooker further queried whether the addition of these conditions would reduce the noise. Matthew Shepherd confirmed that the conditions gave security

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

regarding the background noise and on the Scheme of Works, so Officers would get an application to discharge the mitigation methods, for example if a pallet wall was felt to be inadequate it could be refused and the Officers could work with the applicant to reach a satisfactory conclusion.

### **Debate**

39. Councillor Abbs opened the debate by noting that if the Committee were minded to approve he would want to see the silencer used as a mitigation measure, as he felt they would have a massive impact in the amount of sound that was reaching the residents. He was minded to approve, on the assumption that the Committee was careful with the attenuation measures.
40. Councillor Phil Barnett remarked that this was a company that was very much in the forefront of the response to Covid-19. He felt that the Committee should be supportive of a provider of employment in the local community. In regard to the insulation of the external equipment, from what he observed it looked like slatted timber rather than pallets if Members were aware of insulation along the A4 near Reading there was a considerable overlapping of timber and that actually was in place to cut down the noise of the motorway. He conjectured whether it should be conditioned that it should be lapped material rather than slatted. With regards to the car parking on site, he felt it was in the forefront of the applicant to elaborate how they are trying to operate a flexible working scheme. By staggering staff working hours the number of vehicles on site could be mitigated.

### **Proposal**

41. Councillor Barnett proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Benneyworth.
42. In accordance with the Council's Constitution, the Committee decided to conclude Item (4)2 by 10.30pm, and that Item (4)3 should be rescheduled.
43. The Chairman asked for confirmation on the additional conditions proposed. Matthew Shepherd noted that from the discussions, the proposed detailed Scheme of Works condition would be submitted based on the outline mitigations measures, submitted within the existing report. The impression he had garnered was that the proposed conditions within the Update Report adequately addressed the issues raised by Councillors, and that it would be the case of the applicants taking on board comments made by the Committee, and submitting a comprehensive scheme for officers to approve.
44. The Chairman asked whether for example the soundproof fencing and possible silencers would be taken into account in the conditions. Matthew Shepherd agreed that specific references could be included as mitigation methods, however he did not feel this was necessary as this would be the solutions that the applicant would propose in their detailed Scheme of Works. It may be that exhaust silencers would be their chosen method or they might use a different device.
45. The Chairman asked the Environmental Health officer if a condition setting a specific decibel level would be too stringent. Anna Smy had concerns that due to the potentially low background noise level, officers would be setting a level that was unachievable and would potentially cause an issue to the residents.
46. Dave Pearson acknowledged Matthew Shepherds view on the possibility of including more detail in the conditions, however, he had not heard anything specific from members that could be included in the conditions.



## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

47. The Chairman invited Members of the Committee to vote on the proposal by Councillor Barnett, seconded by Councillor Benneyworth to grant planning permission. At the vote the motion was carried.
48. Councillor Culver was in favour of adding a consistent condition across both sites setting a decibel limit. Matthew Shepherd commented that he would be led by Anna Smy and felt that it would be overly onerous and should be reactive to the background noise. Councillor Culver answered that on page 109 it stated in noise mitigation condition 5, that "...the plant noise emission should not exceed 36 decibels...". She posited that if officers were able to be that specific for one site, then surely they could be for both applications. The Chairman asked officers to address this Condition
49. Councillor Culver wished Officers to add a detailed condition for the construction of the noise mitigation fence specific. She further explained that her main concern was how long the containers could be kept on site. She would not support a condition which allowed the containers to be kept on site for two years, when the warehouse facility in Slovakia would be in place by the end of December 2020. Matthew Shepherd explained that the two years had been arrived upon in consultation with the applicant officers had no information to say that a shorter period would be appropriate, however the Committee could adjust the condition. The Chairman proposed that the two year period should remain in place. Councillor Culver proposed a period of six months. Dave Pearson felt that it would be unfair to create a situation where the applicant would have to reapply for permission after six months, he felt that a year would be the absolute minimum. The Committee agreed that a year would be reasonable.
50. Councillor Abbs asked officers to be specific in the conversation regarding fencing attenuation to relate to height, for example a generic statement making sure that the first floor windows of any properties were covered. The applicants had been very specific on what the power output was, therefore the Committee could easily say that silencers could be fitted to the extractor fans to take the decibel output down at source down to a specific level.
51. The Chairman asked Dave Pearson for his observations on the discussion. Dave Pearson noted that it was clear that the time period the containers could be kept on site could be reduced to one year. He would ask for full details of an acoustic fence taking into account the height of the fence. He was concerned about setting a precise decibel level as there were separate circumstances from one application to the other which should explain the different conditions. He was concerned that a level would be chosen would not be enforceable. The Chairman hoped that the mitigation measures would reduce the irritation of a noise to an acceptable level therefore he inclusion of a decibel level might not be relevant or that important. He felt it would be dangerous to pluck figures out of the air.
52. Councillor Culver quoted the figure on page 109, which officers felt was achievable. She felt it should be applicable to both applications.
53. Councillor Hilary Cole recognised Councillor Culver's point of view, however the Committee were not noise experts and it should be left to officers to come up with something that was reasonable for both the applicant and the residents.
54. Councillor Abbs understood Councillor Hilary Cole's point of view, however was supporting Councillor Culver.
55. The Chairman concluded the debate as he felt the Officers had enough information and had heard Members concerns and would be able to include the appropriate

## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

conditions. Matthew Shepherd pointed out that in terms of the levels of noise the noise from plant and machinery within the update sheet states that it should not exceed at any time a level of five dba below the existing background noise. Therefore a limit had been set but the limit moved related to background noise.

56. The Chairman thanked the Members. He recognised it had been a lengthy debate, however it was owed to the applicant, residents and the Ward Member.

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

### Conditions

#### 1. Temporary Permission

The external storage containers hereby permitted and all their associated plant, equipment and materials shall be removed on no later than 1 year from the date of this decision. The land shall be restored to its former condition within 1 month of the date on which the external storage containers are removed.

Reason: Planning permission would not normally be granted for external storage containers on the area set aside for car parking spaces. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policies CS13 of the West Berkshire Core Strategy (2006-2026).

#### 2. Approved plans

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

P153 100 Rev E Location and proposed site plan

P153 101 Rev G Site Plan

P152 102 Rev A Proposed Landscaping Plan

P152 401 Rev C Proposed GA Elevations

P153 200 Rev C Existing and Proposed GA Plans

Venta Acoustics Noise Impact Assessment ref VA2752.200710.NIA dated 23 July 2020.

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

#### 3. Landscaping Maintenance

Any of the 20 trees planted as outlined in plan P152 102 Rev A Proposed Landscaping Plan and Tree Officer consultation emails that die or become seriously damaged within three years of this permission shall be replaced in the next planting season by plants of the same size and species.

Reason: To ensure a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework, and policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### 4. Scheme of Works (Acoustic Mitigation)

A detailed scheme of works shall be submitted based on the outline mitigation set out in the VENTA Acoustic Noise Impact Assessment in respect of reducing the noise impact emanating from the external storage units and cold containers in order to minimise the noise emitted by low frequency components and reduce the overall noise levels.

## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

The scheme of works shall be submitted to and approved by the local planning authority within 2 months of the date of this permission. Once approved the works shall be carried out within 1 month of the date of approval of such details.

The equipment shall thereafter be retained, operated and maintained in its approved form and in accordance with the manufacturer's recommendations for so long as the use hereby permitted remains on site.

Reason: To ensure that suitable mitigation is put in place to avoid disturbance to neighbouring dwellings in accordance with the National Planning Policy Framework and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.

### 5. Timing Control Details

Details of a timing control system for the Air Handling Unit that will prevent that equipment from operating overnight shall be submitted to and approved by the Local Planning Authority. The scheme of works shall be submitted to and approved by the local authority within 2 months of the date of this permission. Once approved the works shall be carried out within 1 month of approval of the details.

Reason: To ensure that suitable mitigation is put in place to avoid disturbance to neighbouring dwellings in accordance with the National Planning Policy Framework and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.

### 6. Painting of ducting

Notwithstanding the details submitted within the application details of what colour the air handling unit ducting will be painted shall be submitted to the Local Planning Authority within a month of this permission. The ducting shall be painted in this colour within a month of approval of these details. After this it shall be maintained and retained in accordance with the colour.

Reason: To protect the amenity of adjacent rights of way users and nearby residents in accordance with the National Planning Policy Framework and policies ADPP1, ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 7. Parking in accordance with plans

Within a month of this permission the vehicle parking and/or turning spaces shall be surfaced, marked out and provided in accordance with the approved parking layout plan. The parking and/or turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times until the temporary permission has expired.

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 in accordance with the National Planning Policy Framework, policy CS13 of the West Berkshire Core Strategy 2006-2026 and policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

### 8. Ancillary to use of industrial building

The buildings and structures hereby approved shall be used solely for purposes ancillary and incidental to the main use of the site.

Reason: The buildings and structures are acceptable due to the specific nature of the business operating from the site and their separate use would not be acceptable on the site in the interests of amenity and ensuring a sustainable pattern of development

## WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES

in accordance with the National Planning Policy Framework and policies ADPP1, ADPP5, CS10, CS14, CS18 and CS19 of the West Berkshire Local Plan 2006-2026.

### 9. External lighting (new)

No additional external lighting shall be installed on site without the prior approval in writing from the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: To protect the amenities of adjoining land users and the character of the area in accordance with the National Planning Policy Framework and policies OVS.5 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.

### 10. Noise from plant and machinery (Noise limit)

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from it should not exceed at any time a level of 5dB[A] below the existing background noise level and 10dB[A] if there is a particular tonal quality or is intermittent in nature when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

Reason: In the interests of residential amenity and to avoid disturbance to neighbouring dwellings in accordance with the National Planning Policy Framework and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.

### 11. Noise Containers measures

The external containers hereby approved shall be serviced annually to ensure that all fans and reciprocating equipment is correctly balanced and running smoothly and when not in use the container shall be switched off.

Reason: In the interests of residential amenity and to avoid disturbance to neighbouring dwellings in accordance with the National Planning Policy Framework and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **(3) Application No. and Parish: 20/01226/FUL - Land at Old Station Business Park, High Street, Compton**

In accordance with the Council's Constitution, the Committee concluded that the remaining business could not be concluded by 10.30pm, and therefore decided to close the meeting at 10.12pm. The Chairman asked that this item be considered at the next Western Area Planning Meeting.

### **(4) Application No. and Parish: 18/01657/COND1 - Land adjacent to Summerfield, The Ridge, Cold Ash**

*(Councillors Adrian Abbs, Carolyn Culver and Howard Woollaston declared a personal interest in Agenda Item 4(4) by virtue of the fact that they had been lobbied on the application. 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.)*

1. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 18/01657/COND1 in respect of details reserved by Condition 4 - External Materials Schedule and samples, 7 - Construction Method Statement, 8 - Surfacing for driveways/access points, 10 - Vehicle parking and turning, 11 -

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

Access details, 12 - Cycle storage, 13 - Refuse storage and 15 - Boundary hedge of planning permission reference 16/02529/OUTD. The application was brought to Committee as a result of ward member's call-in.

2. Simon Till introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in parts, but not in others.
3. Officers recommended the Committee to delegate to the Head of Development and Planning to make representations at appeal to recommend a split decision comprising part approval and part refusal.

### **Removal of Speaking Rights**

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 October 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
6. In accordance with the Extraordinary Council resolution, written submissions relating to this application had been received from Cold Ash Parish Council (Bernard Clark), Mr Simon Vanstone, objector, and Ms Katherine Miles (Pro Vision) agent.
7. The written submission from Cold Ash Parish Council was read out by the Clerk as follows:

### **Parish Council's Representation**

In the view of Cold Ash Parish Council (CAPC), the 'Discharge of Conditions' you are being asked to consider is legally questionable and flies in the face of the decision the WAPC took on 20th May 2020 and the timing seems inappropriate. Both the Reserved Matters and Discharge of Conditions are now the subject of Appeals with the Planning Inspectorate (APP/W0340/W/20/3257645 and APP/W0340/W/20/3256565).

The most notable condition to be discharged is Condition 11. Access. West Berkshire Planning Officers had vigorously denied that Access was still an issue, verbally and also in writing. In the advice to Councillors for the meeting on 20th May 2020, the Planning Officer wrote the following:

6.33. In relation to objectors concerns that the proposed vehicular access arrangements are still for consideration as part of this Reserved Matters application, officers consider access was a matter approved at the Outline Stage under application reference 16/02529/OUTD dated 24 October 2017. The finer details of access relating to surfacing and construction detail are secured via planning conditions (no's 8 and 11). In other words, access is not consideration as part this Reserved Matters application

Now, Councillors are being asked to agree 'Access'.

If Access really 'was a matter approved' on 24th October 2017, why is Access now 'a matter to be approved'? Answer, it never was approved. At this current meeting,

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

Councillors are being asked to agree to something that has never been agreed, on the basis of council officers' reports that appear to be economical with the facts.

This is important because the Developer's preferred Access arrangements would destroy an 'Important', Historic and 'Protected Hedgerow', which is actually owned by West Berkshire, who are also the Custodians of Protection of the hedgerow.

In conclusion, CAPC can do no better than quote our now Ward Councillor, Hilary Cole, to Councillors and witnessed by Bernard Clark, at the site visit for the discharge of conditions on 25th October 2018. "I don't see the point of approving conditions, when we don't know what houses will be built."

This is echoed in the minutes of the WAPC meeting of the 31st October 2018, in which Hilary Cole seconded a motion to defer, until Reserved Matters had been agreed.

This seemed like a wise observation then, and if anything, circumstances make it even more obviously sensible now. So CAPC ask for this application to be denied or deferred.

### **Member Questions Relating to the Parish Council's Written Submission**

8. Councillor Dennis Benneyworth asked Bernard Clark to expand on the statement that access had not been agreed.
9. Bernard Clark indicated that he had taken legal advice on the matter which had confirmed this. He also highlighted Condition 11 associated with this planning application, which indicated that access was 'yet to be determined'. He noted David Pearson's comments that access had now been agreed, but the Parish Council's legal advice was clear that it had not. He expressed the hope that Members would not approve Condition 11 and suggested that it would be difficult for Members to decide on access, without knowing where the houses were going to be.
10. Councillor Hilary Cole asked Bernard Clark if he understood that the Committee was being asked to make a recommendation with regard to a representation at an appeal, and not a decision on a particular application. She indicated that the application would be heard at appeal regardless of the Committee's decision. She suggested that the Committee's decision could add more weight to the planning Inspector's determination.
11. Bernard Clark confirmed that he understood and had taken legal advice from Landmark Chambers, a top planning consultancy, who had confirmed that access had not been agreed. He again urged Members not to agree Condition 11.
12. The written submission from Mr Simon Vanstone, objector, was read out by the Clerk as follows:

### **Objectors' Representation**

To ask the Planning Inspectorate to discharge the conditions adopted when the Outline Planning Permission was granted, regardless of whether the houses themselves are accepted or refused, makes no sense and serves no desirable purpose. The rationale for having conditions is to protect. Discharging the conditions would remove the possibility of protecting the site and could conceivably result in inappropriate development.

On 20th May 2020, the WAPC voted 7 councillors to 2, to reject the proposed houses citing the following grounds:

- i) inappropriate height and mass,
- ii) lack of sympathy to neighbouring low-rise properties,
- iii) discord with the existing fabric of housing,

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

- iv) urbanisation of the eastern gateway to the village of Cold Ash.

To ensure that whatever is built on this sensitive site is sustainable, it is essential that a set of plans formulated for an inappropriate housing development are NOT adopted through the back door.

In the situation where the conditions are discharged, but the houses are refused, the critical evaluation of any future planning application is potentially compromised and undermined by a set of discharged conditions that are inconsistent with the then proposed houses.

It is only when both the conditions and the houses themselves are considered together that officers and members can be expected to make an informed and measured assessment.

Consider the following scenario. Reserved Matters are refused by the Planning Inspectorate, the Outline Planning Permission expires on the 24th October 2020, and the developer is required to submit a FULL application. Such an application may well include a single-access driveway and low-rise dwellings. Being required to reduce the height and mass of the housing, it is also likely that the footprint of the houses and the site layout will change. Provision of bungalows or split-level dwellings might, for example, require entirely different footprints. Given the very real prospect of such material changes, the Construction Method Statement (Condition 7), Vehicle Parking & Turning provisions (Condition 10), Access Details (Condition 11), in addition to the External Materials Schedule (Condition 4) and Cycle Storage (Condition 12) might also be subject to change. Similarly, a change to the houses may precipitate a change to the soft and hard landscaping design and provisions (Conditions 8 and 15).

An almost identical attempt was made by this same developer to push through the conditions attached to the then refused Reserved Matters plans (18/01977/REM) at the WAPC on 31<sup>st</sup> October 2018. Again, a split-decision was proposed, however, members quickly recognised the incongruity and resolved that the Head of Development and Planning be authorised to defer the application until the Reserved Matters had been agreed. The motion was proposed by Councillor Paul Bryant, and seconded by Councillor Hilary Cole.

Residents once again respectfully ask members to exercise caution and sensibility, and reject the proposed discharge of the conditions, or any part of them.

### **Member Questions Relating to the Objectors' Written Submission**

13. Members did not have any questions relating to the Mr Simon Vanstone.
14. The written submission from the agent, Ms Katherine Miles (Pro Vision), was read out by the Clerk as follows:

### **Applicant's Representation**

As stated in the Committee report, the power to determine this application rests with the Planning Inspectorate as an Appeal against non-determination has been made given the failure of the Council to reach a decision on this application.

The Appeal relates to an application for the approval of technical details reserved by conditions attached to the Outline Planning Permission.

Outline Planning Permission was granted for "The erection of 5 detached dwelling houses with ancillary garages, access, parking, landscaping" in October 2017. An appeal against the Council's refusal of the Reserved Matters has been conjoined with the non-determination appeal in respect of the planning conditions.

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

The information submitted in respect of Conditions 7, 8, 10, 11, 13 and 15 of the Outline permission is deemed acceptable, and Officers recommend approval. It would be reasonable for the Committee to confirm to the Inspectorate that it would have had no objection to the approval of the details in respect of those conditions.

In respect of Condition 4, Officers advise the proposed mix and palette of materials is appropriate within the context of materials found within the wider village, yet this condition is not recommended for approval because the “appearance” of the dwellings has not been approved through Reserved Matters.

Condition 4 was imposed to ensure materials used in the development are appropriate to the character of the area. The Council has before it a schedule of materials which it confirms is appropriate to the character of the area. It follows that those details should be recommended for approval.

In approving Condition 4, the Council is stating that a dwelling constructed using those materials would be acceptable in this area having regard to Policies CS14 and CS19 of the Core Strategy, Policy HSA7 of the DPD and Guideline SDM2 of the Cold Ash Village Design Statement which requires good quality materials appropriate to the character of the area to be used in new developments.

The Committee should confirm that it would have had no objection to the approval of the details in respect of Condition 4.

Condition 12 requires details of cycle storage to be approved. Officers state this condition cannot be approved as the “appearance” and “scale” of the garages has not yet been approved.

Policy P1(iv) of the HSADPD states “Garages will not be counted as a parking space”. The Council’s ‘Cycling and Motorcycling Advice and Standards for New Development’ states that garages can be used for cycle storage.

The outline permission includes garages. A garage will be provided for each property, and can be used to store cycles. The Council should confirm that it would have had no objection to Condition 12 being approved on the basis that a garage for each dwelling will be provided.

The Council will subsequently be able to determine if the garage (typically 3m x 6m) is appropriately scaled having regard to the area.

In summary, there is no reasonable basis to refuse this application for approval of technical details relating to an outline planning permission.

### **Member Questions Relating to the Agent’s Written Submission**

15. Members did not have any questions for Ms Katherine Miles (Pro Vision).

### **Ward Member Representation by Councillor Garth Simpson**

16. The Chairman noted that Councillors Hilary Cole and Garth Simpson had requested to speak, and because they had differing views, they were each been allocated five minutes.

17. Councillor Simpson in representing the Committee as Ward Member made the following points:

- This was the second attempt to discharge conditions attached to the outline planning consent and the second time that officers had proposed a split decision.



## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

- Members had previously voted to defer until the reserved matters were approved.
- Concerns had been expressed by the Committee, Cold Ash Parish Council, Simon Vanstone (as the lead residents representative), and Bernard Clark, as well as Councillor Simpson.
- He commended the residents' eloquent representation as to the practical consequences of supporting the split decision.
- It was risky for officers to propose to discharge conditions when the houses were not considered acceptable by Members.
- Bernard Clark had indicated that the application was of dubious legality.
- Cold Ash Parish Council had only had four working days' notice and had not had the opportunity to properly examine this.
- The principle of five houses being built on land adjacent to Summerfield had been accepted by the Parish Council and residents of Cold Ash.
- The proposed split decision was a subversive attempt by officers, and a reversion of Members' refusal of 19/00832/REM on 20 May 2020.
- The recommendation was designed to deal with as many conditions as possible and to prop up the notion that access had been properly dealt with. Cold Ash Parish Council's representation illustrated that this was not the case.
- Access was the root cause of why this application had been the subject of so many appeals, with non-determination by the developer being the third.
- He had hoped that Councillor Hilary Cole would have supported the Parish Council and recommended refusal.
- He urged Members to reject the proposal to discharge conditions by refusing the recommendation of officers.
- Appeals arose because of real differences of opinion and the Inspector should provide guidance as to the next steps.

### **Member Questions of Ward Member Councillor Garth Simpson**

18. Councillor Dennis Benneyworth asked Councillor Simpson to expand on the statement that access was the root of the problem.
19. Councillor Simpson explained that the planning work stretched back five years. He suggested that officers' critique had failed to reconcile matters of planning policy and natural town and planning guidance. He indicated that access issues were a common thread through the following, which were debated in May 2020:
  - Up to five houses with gross external area of 300 square metres coherence with vernacular architecture;
  - Retention of the historic hedge and its important role as a transition from rural to semi-rural countryside;
  - Retention of gaps between the houses (a feature of the Housing Site Allocation Development Plan Document (HSADPD));
  - Avoidance of 'urban slap syndrome'; and
  - Required minimum highways visibility splays.

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

20. Members had previously raised concerns about inappropriate height and mass, and lack of sympathy to neighbouring low-rise properties.
21. Councillor Simpson also suggested that the visibility splay calculations by Highways were incorrect and would result in the loss of 70% of the hedge. He concluded that the access was a fundamental problem along with scale and massing.

### **Ward Member Representation by Councillor Hilary Cole**

22. Councillor Hilary Cole in representing the Committee as Ward Member made the following points:
  - She noted that the application had received a good airing in May and was now the subject of a planning appeal.
  - The site already had outline permission.
  - Although not a fan of the split decision, she could see no alternative in order to direct the position the Council would adopt at appeal.
  - Although the application had attracted many letters of objection, many were from residents who lived a considerable distance from the site and were not directly affected by the development, so the Committee should not give weight to many of these objections.
  - It would be foolish to 'go round the block again' with this application.
  - Developers had gone a long way to address the concerns of affected residents.
  - She urged the Committee to approve the officer recommendation and highlighted the conditions on page 159 of the agenda.
  - She suggested that the 18 October 2018 decision was irrelevant as the current application was different and so comments made should be discounted.

### **Member Questions of Ward Member Councillor Hilary Cole**

23. Councillor Howard Woollaston noted that the original application had been refused for reasons relating to the hedge and massing of buildings. He asked if by approving this application, the Committee would be endorsing access to the proposed development.
24. Councillor Hilary Cole suggested that the Council would be in a better position by discharging these conditions than if it were left to the planning Inspector. She indicated that discharging these conditions would give an indication of what the Council desired at this site. She acknowledged that the boundary hedge was a matter of contention, but reminded Members that the Tree Officer did not consider it an ancient hedgerow, and there was no great merit in protecting it.

### **Questions to Officers**

25. Councillor Carloyne Culver asked if it was putting the cart before the horse to approve certain conditions without knowing the outcome of the reserved matters appeal. For example, if the appeal determined that there should be one access, why should the Council discharge a condition that referred to places (plural)?
26. David Pearson noted that there was confusion about what was agreed at the outline stage in 2016. He indicated that the principle of having three accesses to the site had been set as part of the outline permission. He noted that the reserved matters appeal was not dealing with any matters relating to access, just scale, appearance and landscaping. He disagreed with Cold Ash Parish Council and confirmed that the access had been consented. He explained that the condition was not about the

## **WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

principle of having three entrances, but was about the technical specification of the accesses in terms of the visibility splays, corner radii and surfacing.

27. Councillor Culver asked if there was a precedent for an appeal on reserve matters and on conditions, where Members were asked to give a view to an Inspector. She queried whether this would influence the Inspector's decision.
28. David Pearson confirmed that the Council was asked to state its case at every appeal and that it was normal for the Council to make its views known. He suggested that the biggest risk to the Council was that it would be asked to pay costs because it had been unreasonable, and that this risk was increased if the Council did not respond and give its views. The Committee's decision provided an indication of what the Council would do if it was able to discharge the conditions. He confirmed that such a decision would have been made by Committee rather than delegated to officers.
29. Councillor Culver asked if the Committee was allowed to propose a different split in the conditions. David Pearson confirmed that it was up to Members to decide on the most appropriate split.
30. Councillor Andy Moore highlighted a disagreement between the applicant and officers in relation to the inclusion of garages as part of Condition 12. He also asked whether garages were considered suitable for cycle storage.
31. David Pearson indicated that officers disagreed with the applicant, because whilst layout had been agreed at the outline stage, scale, appearance and landscaping had not. As Members had refused the reserve matters application, officers had tailored the recommendation to take into account that decision. Officers considered that Condition 12 would be dealt with by the Inspector when dealing with the reserved matters appeal.

### **Debate**

32. Councillor Clive Hooker noted that the Committee was only making a recommendation, rather than a decision and therefore if members had any objections to going straight to the vote.
33. Councillor Hilary Cole confirmed that she was happy to go straight to a vote.
34. Councillor Bennyworth indicated that he would abstain because he had temporarily lost access to the virtual meeting and had not heard the item in full.
35. Councillor Abbs indicated that he wished to debate the item.
36. The Chairman again asked all members if they wished to debate the item. As there were three votes in favour and three against, Kim Maher advised that there needed to be a short debate.
37. Councillor Abbs noted that lots of time and energy had gone into developing the conditions and could not understand why some seemed to be important than others. He suggested that the recommendation to the Inspector should be that all conditions stay intact.
38. Councillor Culver agreed with the points made by Councillor Abbs.
39. Councillor Hilary Cole proposed to approve the officer recommendation.
40. Councillor Woollaston seconded the proposal.
41. The Chairman invited the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Woollaston to accept Officer's recommendation to

**WESTERN AREA PLANNING COMMITTEE - 14 OCTOBER 2020 - MINUTES**

delegate to the Head of Development and Planning to make representations at appeal to recommend a split decision comprising part approval and part refusal. At the vote, the motion was carried by four votes to three with one abstention.

42. **RESOLVED** to delegate to the Head of Development and Planning to make representations at appeal to recommend a **split decision** as follows:

1. Details pursuant to Conditions 7, 8, 10, 11, 13 and 15 of Planning Permission 16/02529/OUTD can be **approved** subject to full implementation in accordance with the details submitted and wording of each condition;

and

2. Details pursuant to Condition 4 (Materials) and Condition 12 (Cycle Storage) are **refused** as these elements are integral to matters of 'Appearance' and 'Scale' considered most recently under reserved matters application 19/00832/REM which was refused on 22 May 2020 and is currently subject to planning appeal under appeal reference APP/W0340/W/20/3256565\*.

\*The Planning Inspectorate have been invited to consider both planning appeals together

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

No appeals were available to be considered by Members relating to the Western Area.

*(The meeting commenced at 6.30 pm and closed at 10.12 pm)*

**CHAIRMAN** .....

**Date of Signature** .....