

# Notice of Meeting



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## Western Area Planning Committee Wednesday 22 September 2021 at 6.30pm

in the Council Chamber Council Offices  
Market Street Newbury

The Council will be live streaming its meetings.

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team ([planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)) by no later than 4.00pm on Tuesday 21 September, if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the Council Chamber. Remote attendance at the meeting is therefore encouraged at this time.

### 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.

Date of despatch of Agenda: Tuesday, 14 September 2021

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

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



**Agenda - Western Area Planning Committee to be held on Wednesday, 22 September  
2021 (continued)**

Email: [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Jenny Legge on  
(01635) 503043 Email: [jenny.legge@westberks.gov.uk](mailto:jenny.legge@westberks.gov.uk)

**Agenda - Western Area Planning Committee to be held on Wednesday, 22 September  
2021 (continued)**

- To:** Councillors Adrian Abbs, Phil Barnett, Dennis Benneyworth (Chairman), Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker, Tony Vickers (Vice-Chairman) and Howard Woollaston
- Substitutes:** Councillors Jeff Beck, Lynne Doherty, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers
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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
  2. **Minutes** 5 - 52  
To approve as a correct record the Minutes of the meeting of this Committee held on 21 July and 11 August 2021.  
Minutes for the meeting held on 1 September 2021, will be available for the next meeting of this Committee.
  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: 21/00596/HOUSE, Spindlewood, 50 High Street, Kintbury, Hungerford** 53 - 64
- Proposal:** Erection of 6.06m x 2.44m outbuilding in the front garden of Spindlewood (50 High Street, Kintbury) - right side of the garden when looking at the property from the road - to include a storage area, kennel and small home office.
- Location:** Spindlewood, 50 High Street, Kintbury, Hungerford.
- Applicant:** Mr/s Meaney.
- Recommendation:** To delegate to the Service Director, Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions.

**Agenda - Western Area Planning Committee to be held on Wednesday, 22 September 2021 (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**

Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Stephen Chard on (01635) 519462.



## 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, 21 JULY 2021

**Councillors Present:** Phil Barnett, Jeff Cant, Hilary Cole, Carlyne Culver, Lynne Doherty (Substitute) (In place of Dennis Benneyworth), Garth Simpson (Substitute) (In place of Clive Hooker), Tony Vickers (Vice-Chair, in the Chair) and Howard Woollaston

**Also Present:** Sharon Armour (Solicitor), Stephen Chard (Principal Policy Officer), Paul Goddard (Team Leader - Highways Development Control), Masie Masiwa (Planning Officer), Gordon Oliver (Corporate Policy Support) and Simon Till (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth and Councillor Clive Hooker

#### PART I

#### 7. Minutes

The Minutes of the meeting held on 30 June 2021 were available for this meeting, however the Minutes of the meeting held on 9 June 2021 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

**Item 2, page 17, paragraph 2:** removal of duplicate text.

**Item 3, page 20, paragraph 13:** “would have a precedent”, should read “would have set a precedent”.

#### 8. Election of Vice Chairman

Councillor Tony Vickers noted, as per paragraph 4.6.7 of the Council’s Constitution, that as there was no Chairman present and the Vice-Chairman was acting as Chairman, the Committee must elect a Vice-Chairman for the meeting and he invited nominations.

Councillor Howard Woollaston nominated Councillor Hilary Cole. This proposal was seconded by Councillor Jeff Cant. At the vote the motion was carried.

#### 9. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carlyne Culver, Lynne Doherty, Tony Vickers and Howard Woollaston declared an interest in Agenda Item 4.1, 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.

Councillor Lynne Doherty declared an interest in Agenda Item 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.

Councillors Adrian Abbs, Phil Barnett, Tony Vickers and Howard Woollaston declared an interest in Agenda Item 4.3, but reported that, as their interest was a personal or an other

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registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

### 10. Schedule of Planning Applications

#### (1) Application No. and Parish: 20/02402/REG3, Newbury Football Club, Faraday Road, Newbury

*(Councillors Hilary Cole, Lynne Doherty and Howard Woollaston declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of the Executive. 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 Phil Barnett and Tony Vickers declared a personal interest in Agenda item 4(1) by virtue of the fact that they were members of Newbury Town Council's Planning and Highways Committee where this item had been considered. 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 Cant declared a personal interest in Agenda item 4(1) by virtue of the fact that he was a Ward Member for this application. 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.*

*(Councillors Adrian Abbs and Carolyn Culver declared that they had been lobbied on Agenda Item 4(1).)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/02402/REG3 in respect of Newbury Football Club, Faraday Road, Newbury, RG14 2AD. Approval was sought for the creation of open space for public recreation including demolition of former football ground clubhouse; delivery of new parking spaces and erection of timber bollards and new fencing generally.
2. Mr Masie Masiwa (Senior Planning Officer) 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 planning terms and officers recommended that the Head of Development and Planning be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard indicated that the application followed previous applications which had been looked at extensively with regard to highways, particularly parking accumulation. With the planning applications that had been submitted in 2018, extensive surveys had been undertaken with regard to the use of the car park and the results concluded that with mainly off-peak use, there would be sufficient car parking available. On that basis, there was no objection on traffic grounds because any traffic generation was mainly off-peak. There was an existing car park on the site which was being re-vitalised and there was no objection from Highways to this proposal.
4. Councillor Phil Barnett noted that no Town Council representative was due to speak to the item, but this was because the Officer who should have given notification by 4.00pm on the day before the meeting, was on annual leave. Councillor Barnett felt this put Members in a difficult position and said that even at the site meeting, discussion had taken place about who would be speaking. He therefore made a request for the sake of transparency to suspend Standing Orders to allow the

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Newbury Town Council representative to speak at this meeting. The Chairman indicated that this would be possible if the majority of the Committee also wished to suspend Standing Orders. Councillor Hilary Cole stressed that if it was agreed to suspend Standing Orders, it should be made clear that this was an exceptional circumstance to avoid similar requests in future. She agreed that it was a sensitive application. The Chairman agreed there had to be an exceptional reason. He acknowledged the situation with Covid-19, problems and the fact that Parish / Town Councils had experienced issues with their internal communications and the situation where there had been no Chairman or Vice-Chairman supervising the site visits. As such, there were mitigating circumstances as well as being a matter of extreme public interest. At the vote, the motion to suspend Standing Orders proposed by Councillor Barnett and seconded by Councillor Abbs was carried.

5. In accordance with the Council's Constitution, the following addressed the Committee on this application: Vaughan Miller (Newbury Town Council); Lee McDougall and Les Durrant (objectors); and Bill Bagnell (applicant).

### Parish/Town Council Representation

6. Mr Miller in addressing the Committee raised the following points:
  - The application was to significantly change the use of the community leisure facility, as such, it should demonstrate benefits to the community, meet a community need, and be compliant with policy.
  - The application did not demonstrate any clear benefits.
  - **Community benefit:** there would be a loss of a first-class football pitch and so the bar was set extremely high in terms of being able to demonstrate any benefit. The proposal was to replace the football pitch with a recreational area which would have no markings or goal posts, which would not be a MUGA and would be of no benefit to the community.
  - **Financial benefit:** demolishing the club house and changing facilities would save the Applicant approximately £17,000 over the next 3 years, but would cost the Applicant £191,000 to do so. There may be some income from parking charges, but it was not proven that this would be sufficient to prevent significant loss over the cost of the project.
  - Since this was public money and there would be no demonstrable economic or public benefit, this could not be justified and made it more likely, if the application were to be approved, that the decision would be ripe for appeal.
  - The Applicant had not demonstrated the need for another recreational area in that part of the town, which was well catered for by Victoria Park and Fireman's Field.
  - The Applicant had not demonstrated any need for extra parking; the existing parking on the site was not fully used and the need for a further 80 parking spaces had not been demonstrated. A new multi-storey car park was being built at the station with hundreds of spaces.
  - The Playing Pitch Strategy stated there was a very low level of football provision across the area that was secured for long-term community use, i.e. only 24%. This demonstrated a clear need for more pitches for organised football, not general recreational usage. This application did not go any way to meeting that need.

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- This application was opposed to the Council's own policies; according to policy ADPP2, the existing community facility would be protected and where appropriate enhanced. This proposal neither protected nor enhanced the existing facility.
- The Playing Pitch Strategy also stated that Sport England policy exception 4 applied; namely that a replacement facility should be operational prior to the commencement of development. At the site visit, the Planning Officer had confirmed the application did constitute development and it was clear that no development was allowed on the site until a replacement facility was operational.
- In relation to the planning balance in conclusion section 7.3 of the report, the proposal would in no way provide continued provision of a community leisure facility. The current leisure facility was a football ground and it was therefore wrong to suggest that these plans would provide continued provision of a community leisure facility and this argument, and the significant weight given to it, should be dismissed.
- Officers considered that the benefits of bringing the site back into community use clearly outweighed the continued non-use of the site. Whilst it was not disputed that the continued non-use of the site was a bad thing, this application was the wrong proposal to address the issue. The site would not be brought back into community use because converting the football pitch to a general recreational area where organised football could no longer be played in a location that was not one the general public would go to did not fit this description. Therefore, this argument should also be dismissed and not considered in favour of the proposal.
- In conclusion:
  1. The proposal demonstrated neither financial or community benefits
  2. It did not demonstrate that it met any community need
  3. It went against the council's own policies
  4. It was very likely to open the council to the prospect of it being taken to appeal and therefore could subject the Council to risk of further unacceptable costs.
- Since there was a clear conflict of interest in the Council as landowner and as planning authority, the public had a right to assume that no Committee Member voting would play any part in whatever body or Committee was set up to administer the site as a landlord.

### **Member Questions to the Parish/Town Council**

7. Councillor Carolyne Culver asked where the location of Fireman's Field was. Mr Miller indicated that it was opposite the Fire Station.
8. Councillor Abbs sought clarification on the difference between a community leisure facility and a recreational facility. Mr Miller indicated that he did not know exactly. He confirmed that Newbury Town Council's position was that the development was inappropriate.
9. Councillor Hilary Cole noted from the report that Newbury Town Council's objection was in agreement with Sport England, however, since the latter had withdrawn their objection, was there a change in the Town Council's position. Mr Miller confirmed the Town Council's objection was in line with Sport England's objection, but also with Newbury Town Council's strategy.
10. The Chairman asked Mr Miller to expand on the reasons as to why there was a risk of Appeal associated with this application. Mr Miller said there were controversial



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element involving the permanent loss of a football pitch and on the grounds of there being no financial or community benefit and there were planning grounds for calling this application in.

11. Councillor Culver noted that the football pitch was an asset of community value (ACV), and asked if it was just the grounds that were considered of community value or whether the associated facilities also part of that asset. In addition, Councillor Culver referred to point 6.12 of the report which referenced the 'internal stripping out of services by vandals or salvage hunters' and asked who should have been looking after the site as it was considered an asset of community value. Mr Miller responded by saying both the grounds and associated facilities were covered by the ACV designation. The current asset was nominated by the Newbury Community Football Group. An application had been submitted by Newbury Town Council to renew the ACV designation. He indicated that the ACV designation gave hope of future retention of the facilities. With regard to who should have been looking after the site, he considered that the landlord was responsible.

### **Objector Representation**

12. Mr McDougall in addressing the Committee raised the following points:
  - The proposal was not about the creation of an open space sports facility, but was in fact the removal of an existing grass football pitch.
  - There would be no MUGA or sports pitch, no pitch markings, no goal, no toilet facility, no fencing and no booking facility. The proposal would involve removal of a grass football pitch that had been in use since 1963.
  - The shortage of playing pitches across West Berkshire, which the Playing Pitch Strategy outlined, would exist for over three years, so it did not make sense to remove an existing grass football pitch from use in the centre of town. In effect, this put a ban on organised football being played on an existing facility.
13. Mr Durrant in addressing the Committee raised the following points:
  - He confirmed that he was the author of the letter to the Secretary of State. He said the Applicant had openly stated that their intention was to use the pitch facility on a temporary basis.
  - There was a long-term development scheme in prospect which would lead to the unjustifiable loss of the ground without the provision of an equal or better facility being put in place before it was taken away.
  - Whilst Sport England had withdrawn their objection, the proposal conflicted with Council policy and NPPF, and based on the available information, the replacement facility would not be available, as stated in the report, by Spring of 2022.
  - There was no design in the information available, it had not been subject to a planning application or community consultation and was unlikely to happen any time soon. At best, it was considered unsuitable to demolish the existing facility and effectively take it away.
  - A particular concern was in relation to the Environmental Impact Assessment (EIA). The Officer's report was considered to be completely wrong and misguided. The proposal was part of a very large development project, namely the redevelopment of London Road Industrial Estate (LRIE). It was part of an accumulative impact and this proposal should have been the subject of EIA, including flood risk assessment. The Officer's report was considered to be totally

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defective in regard to these areas. The letter to the Secretary of State dealt with all of these issues fully and was available to Members.

- The proposal was considered to be contrary to policy. The development brief and master plan for redevelopment of LRIE did not feature in the adopted development plan nor in the emerging plan. The Applicant's Consultants had stated, when the brief was put before the Executive, that the proposal was not policy-compliant.
- In taking the application forward, with all the defects contained in the Officer's report and the consultation programme, the objectors believed that the proposal should be referred to the Secretary of State and an offer had been made for the NCFG proposed application, which was still undetermined, to also be called in so they could both be considered on an objective basis, preferably at a public enquiry.
- It was an ACV and was too good to lose.
- The letter that had been sent to the Secretary of State did not rely on Sport England's objection, but gave many reasons, in particular: the EIA; non-compliance with National Planning Policy; non-compliance with Council policy; and the fact that the Applicant in this case happened to be the Council whose objective ultimately was a major development proposal. For these reasons, he felt the matter should be looked at objectively by the Secretary of State.
- There were a number of very detailed issues that caused concern related to the use of the facility by the community group at the present time and what they were trying to achieve. This was much more in line with the Council's adopted and emerging planning policy than the proposal. It was felt that the deficiencies for screening this application properly as to whether or not it constituted EIA development was sufficient grounds for the Secretary of State to intervene. Mr Durrant respectfully asked the Committee, in the interests of transparency and fairness to the community who had been promoting the retention of this facility, to not make a final decision at this meeting.

### **Member Questions to the Objector**

14. Councillor Abbs asked which policies the proposal contravened. Mr Durrant replied that the existing core strategy was being ignored, in particular the proposal was in conflict with policies CS8 and CS9. There were a number of other more detailed policies on a local area basis which related to the retention and enhancement of such facilities, for example, the Area Delivery Plan Policy for Newbury. Mr Durrant also considered that there were aspects of National Planning Policy which he believed were also not being adhered to.
15. Councillor Culver asked Mr McDougall what he thought the likelihood was if the application went through that the pitch would be used for 11-a-side football. Mr McDougall said he thought there was no likelihood as it was impossible to book and there would be no markings and goals on the ground and he thought the facility would predominantly be used for dog-walking.

### **Applicant/Agent Representation**

16. Mr Bill Bagnell (Manager - Special Projects) in addressing the Committee raised the following points:
  - The application proposed the demolition of the old football clubhouse, turnstiles, porta-cabin lavatory block and the temporary reopening of the old grass pitch with

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new boundary treatments and appropriate signage for public use and the provision of new pay-and-display parking spaces.

- The clubhouse had been beyond economic repair since 2018 when the last tenant left, making it both a cost and health and safety liability, despite reasonable security measures. The building could not be used in any capacity again and there was no satisfactory reason to retain it at a cost to the Council.
- The application proposed the reopening of the old grass pitch for general public enjoyment, for recreational sport which, until the area was made fit for use, should remain closed.
- The proposed pay-and-display parking would be sited on existing areas of hard-standing and would provide helpful income to both support the temporary facility and income to the Council generally.
- It was very important to see the application in the wider context of the Council's well-known aspiration to develop the London Road Industrial Estate. This application was the first in a series of applications, the process of which had been subject to considerable consultation with Sport England, who had confirmed they had no objection to the proposals contained in the application.
- Mr Bagnell thanked the Committee for their time and said he hoped the application would be looked upon favourably.

### **Member Questions to the Applicant/Agent**

17. Councillor Culver asked Mr Bagnell if he agreed that the facility had not been looked after. Mr Bagnell confirmed that the Council was the Landlord and was reasonably responsible for looking after assets to an appropriate level according to the condition of the asset. The clubhouse had been condition surveyed in July 2018, where immediate reoccupation required £200,000 worth of work, with an additional £100,000 required the following year and a total by year 5 of £500,000 for a building which would cost to replace new at the time in 2018 of between £900,000 and £1 million. As such, it was felt the building was not worth protecting from an asset value point of view, but it had been necessary to keep the building secure and closed to try and prevent people from breaking in and, in the process being seriously injured, possibly exposing the Council to a serious liability issue. The Council had installed 24-hour metal sheet security to keep the building closed, including metal sheet security of the roof in places where it had been broken into via the rooflights. Mr Bagnell agreed the Landlord was responsible but did not agree that it had let a valuable asset deteriorate unnecessarily, but it had been secured to prevent unauthorised access.
18. Councillor Abbs asked Mr Bagnell whether Sport England's withdrawal of their objection indicated their support of the demolition of the clubhouse. Mr Bagnell said Sport England were no longer objecting as they saw the application in the wider context of what was being proposed to be delivered at Monks Lane as a replacement football facility. Sport England had confidence in what was being proposed to be done elsewhere to re-provide for football and as a result they did not object to this proposal. Mr Bagnell had not seen evidence of Sport England in support of the application but had seen formal confirmation that they had no objections.
19. Councillor Abbs asked whether that meant Sport England's standard objections would not apply, i.e. that the sports ground must be available as a replacement sports ground. It appeared that just because they had not objected, they were certainly not in support, and he asked if that meant their standard rules did not apply.

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Mr Bagnell said Sport England's current position was predicated on the basis that the Council was committed to re-providing a better facility at Monks Lane with long-term sustainability and security of tenure.

20. Councillor Abbs asked whether minutes of meetings and a timeline of discussions between the Council and Sport England could be shared with the Committee along with promises made in relation to the delivery of a new facility. Mr Bagnell was unable to confirm the exact timeline of discussions, but believed the Case Officer could confirm that recent correspondence between the parties was now publicly available. The Chairman concurred that the information was available in the update report that had been circulated approximately three hours prior to the meeting. Councillor Abbs considered this was an unacceptable timeframe for Members to be updated.
21. Councillor Barnett expressed concerns about the unevenness of and obstructions projecting from the hardstanding. He asked whether it would be asphalted or made good. Mr Bagnell said the plan was to replace considerable areas of tarmac fail with new, and areas with protruding metals would be broken out, removed and re-laid to new tarmac.
22. Councillor Lynne Doherty asked whether there was a public benefit for removal of the clubhouse on health and safety grounds. Mr Bagnell replied that if a rough sleeper broke into the building out of necessity of having to seek shelter and the building was then set on fire by vandals (previous incidents of arson had taken place in relation to an adjoining porta-cabin), the risk of such a scenario occurring meant that he wanted the building demolished as soon as possible.
23. Councillor Doherty asked whether there was a public benefit to the remaining grass pitch in terms of physical health. Mr Bagnell said whilst the area would no longer be the best facility in terms of organised football matches, which ordinarily would have an exclusive closed ground, the proposed new facility would be available to everyone. Health and wellbeing could be manifested in both taking part in recreational and sport activities or, as previously mentioned, dog-walking. As such, Mr Bagnell believed there to be a health benefit in the wider sense, the alternative being the current extremely run-down area left closed until the land was potentially needed for redevelopment.
24. The Chairman asked Mr Bagnell to advise on how the Applicant had sought planning advice, apart from that given by Addison Young. Mr Bagnell stated he had a certain amount of experience himself, but he also reasonably had to be guided by Planning and where policy had been fully adhered to. Mr Bagnell reiterated this was the first relevant application in a series of applications, working towards an application on the LRIE, so he had not taken advice not only in the context of this application, but in the wider context of the LRIE.
25. Councillor Abbs asked Mr Bagnell whether he had qualifications in health and mental health or whether he was offering a layman's opinion on the benefits of the proposal. Mr Bagnell said he believed he had been asked the question as a layman and he had answered as such.
26. With reference to this application being one of a series of applications, Councillor Abbs asked how this could be aligned with the EIA comment made by Mr Durrant. Mr Bagnell said the first hurdle to get over in looking at how to regenerate the LRIE was to review commercial viability. The Addison Young report gave a positive position with viability continuing to be in place. The EIA was a long and detailed iterative process which would eventually result in an environmental statement being attached

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as an important document to an outline application on the LRIE as a whole. Mr Bagnell explained that the Council was at the very beginning of that environmental investigative process, some of which would be very straightforward, i.e. desktop surveys, whilst some would be more challenging, i.e. flooding, drainage and contamination. He confirmed that the Council was at the beginning of the process and would be checking the Environment Agency's levels on site.

27. Councillor Abbs asked when Addison Young's report around commercial viability had become available. Mr Bagnell stated that this was towards the end of November 2019. Councillor Abbs noted that this was pre-Covid and so there was a risk that it was now out of date.
28. It was agreed at this point not to debate any future planning or development at LRIE, as Mr Bagnell was representing the Council as the land owner and not as the Planning Authority, and the Committee may prejudice itself were it to continue. It was recognised that there was a 'Chinese Wall' between the Council as developer and planning authority.
29. Mrs Armour felt it would be helpful in this situation for the Planning Officer to re-state what this application was for, before entering into debate, in order to help Members focus their minds specifically on this application.
30. Mr Miller sought to address the Committee, but was advised that he was unable to do so and should make his point outside of the meeting.

### **Ward Member Representation**

31. Councillor Jeff Beck in addressing the Committee raised the following points:
  - He had been lobbied extensively on this application.
  - He had had a number of conversations with the Executive Portfolio Holder for Leisure.
  - In principle, there would appear to be no reason why Newbury Community Football Group should not be able to have the use of the proposed facility.
  - This would need the establishment of a working arrangement with West Berkshire Council to cover, for example, the Newbury Group bringing in portable goal posts and carrying out essential temporary pitch markings.
  - The general public would be less likely to use the facility during autumn and winter periods, in particular late afternoon and evenings.
  - Pitch lighting existed and there was no current proposal to either remove or utilise the lighting. If the Newbury Football Group were prepared to pay the running costs, then they should be permitted to have the use of the lighting by arrangement.
  - The option to provide toilet facilities should still be considered, notwithstanding the running costs and potential for vandalism, as a much-needed facility particularly for families with small children.
  - Councillor Beck was in favour of the application provided there was genuine cooperation between Newbury Community Football Group and Officers, which he felt was achievable for the benefit of all parties.

### **Member Questions to the Ward Member**

32. Councillor Abbs asked whether Councillor Beck recalled Officers indicating the removal of the high fencing around the facilities and replacing with very low fencing

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therefore making it unsuitable for use as a football ground. Councillor Beck did not consider this to be something that could not be overcome.

33. Following Mrs Armour's recommendation that the Planning Officer re-clarify the details of this specific application only, Mr Masiwa reiterated that the application was for full planning permission for the creation of an open space for public recreation, including the demolition of the former football clubhouse and the delivery of new parking spaces, erection of timber bollards and new fencing.

### Member Questions to Officers

34. The Chairman sought confirmation that there was nothing in the application that could prevent, in Planning terms, the Newbury Community Football Group application – should it be approved – from going ahead, nor was there anything to prevent the Applicant proceeding with their long chain of applications should this application be refused. Mr Masiwa agreed that if Members approved this application, the Planning Authority could also recommend approval for Newbury Community Football Group's application. It would then be up to the landowner and Applicant to reach agreement in terms of what proposal was implemented on the site. The local planning authority would consider each application on its own merits and provide recommendation accordingly. Should this application be refused, such refusal would not prevent future applications for the wider LRIE development.
35. Councillor Hilary Cole asked how much weight was given to new policies in the emerging plan which may have a different emphasis to current policies. Mr Masiwa stated that the application had been considered based on the current development plan, specifically in relation to CS18 which directly influenced the proposal, and also in relation to the Council's Playing Pitch Strategy. In terms of the emerging policies, Mr Masiwa said they had been awarded limited weight as they were not considered directly relevant to this proposal.
36. Councillor Culver said in relation to paragraph 6.21 of the report, her understanding was that an Officer had written a statement of intent with regard to Monks Road, and asked whether that application should be dealt with first to ensure there was a replacement pitch before proceeding with this application. Mr Masiwa stated that Sport England's objection to the application centred on the Playing Pitch Strategy requirement that there was no development on the site prior to the replacement facility being in operation. As indicated in their comments, there was no loss of a playing field on the site, which was an important factor relating to their withdrawal of their objection, because the playing field was being retained, not being developed. It may be developed in the future, in which case its loss would be engaged.
37. Councillor Culver asked if another Developer's statement of intent would simply be accepted in lieu of them actually meeting policy requirements. Mr Simon Till said the Council was a responsible authority that published policy documents that formulated and set out its plans, those plans included management of the community facilities. Sport England's original comments required a public statement declaring the Council's intent to carry forward the plans for a replacement facility and they seemed to have misunderstood that the Playing Pitch Strategy was an adopted policy that carried significantly more weight than simply a statement would do in terms of delivering on the Council's objectives. In that respect the Council could be treated very differently from a private developer.
38. Councillor Culver referenced the e-mail sent by Sport England to Mr Masiwa the previous day in which they asked to be notified if there was going to be a Committee. This suggested they were unaware this meeting was taking place. Mr Masiwa

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confirmed that copies of the Committee reports and updates had been sent to Sport England today and they would be notified of the outcome of this meeting.

39. Councillor Abbs noted that the report set out the relevant history to this application and asked for clarification on the order in which the applications were made, i.e. did 20/01966/COMIND and 20/01530/OUT both come in before this application. Mr Till advised that the numbering system did not relate to when an application was validated, which could take place at a much later date. Mr Masiwa said that in terms of the order of applications set out in the report, the Newbury Community Football Group applications had been submitted first.
40. The Chairman asked about the economic benefits of this application. He noted that because this was the only part of the LRIE above the flood plain, it was designated within the master plan as the most high value element, i.e. residential, and asked if this was what the Committee should consider. Mr Masiwa said the focus should be on this proposal's individual planning merits only. In terms of the economic aspects, the benefits were limited. There were some benefits in terms of the use of the parking provision by , workers and visitors, and the resulting income generation, but the main benefit was in terms of a recreation facility, which would provide a social benefit to the community.
41. Councillor Abbs asked whether any weight should be associated with the order of planning reviews and applications. Mrs Armour did not think so in this case as the application was being considered on its own merits. If one approval had already been granted on the site, there was nothing to prevent another application being approved, or equally both applications being refused. Councillor Abbs suggested that the order in which applications were being validated was the critical date and he was surprised that this was not a sequential type of process and asked whether applications should in fact be reviewed in the correct order. Mrs Armour said this was not necessary in relation to the discussion around this proposal, and did not consider that Planning Officers had deliberately delayed any applications.

### Debate

42. Councillor Cant opened the debate. He suggested that the Committee had strayed across areas of: the process of the strategy, policy and other issues, and he felt the application deserved a platform where it could be given a proper review within the total context of the Council's strategy and policy. He therefore proposed that the debate already undertaken was noted and that the application be referred to the District Planning Committee for consideration within the broader context.
43. Mrs Armour confirmed this course of action was allowed and would be acceptable within the Constitution. The Chairman noted that it would be referred due to its importance to the Applicant's strategy.
44. Councillor Abbs expressed support for the proposal as long as the application was then reviewed within a wider context rather than standing alone. He seconded Councillor Cant's proposal.
45. Councillor Culver said she did not think the proposal to refer the matter to the District Planning Committee should preclude the Committee from discussing the item this evening, as if the decision was taken to refuse the application it could be referred to the District Committee anyway. She added that as Members had discussed the application in such detail already, they should take the opportunity to vote.
46. The Chairman indicated that several Members of the Western Area Committee had disclosed an interest and may therefore not feel able to vote, whereas at District level, the Committee would not have any Executive Members, nor any Newbury

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Town Council Members, which may be helpful in terms of public perception of the transparency of the decision.

47. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant seconded by Councillor Abbs to refer the matter to the District Committee to make the decision. At the vote the motion was carried.

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

### (2) **Application No. and Parish: 21/00429/HOUSE, White Lodge, Donnington Grove, Shaw Cum Donnington**

*(Councillor Lynne Doherty declared a personal interest in Agenda Item 4(2) by virtue of the fact that she was a ward member for this application. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

48. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/00429/HOUSE in respect of White Lodge, Donnington Grove, Shaw-cum Donnington. Approval was sought for a two storey rear extension and external alterations to existing dwelling, following demolition of existing outbuildings (resubmission of application 20/01193/HOUSE).
49. Mr Simon Till, Team Leader (Western Area Planning) 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 unsatisfactory in planning terms and officers recommended that the Head of Development and Planning be authorised to refuse planning permission for the reasons listed in the main and update reports.
50. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard confirmed that Highways Officers had no objections – access and car parking were not affected and a proposed gate would replace one that was already there.
51. In accordance with the Council's Constitution, Mr Callan Powers, agent, and Mr Simon Baynham, applicant, addressed the Committee on this application.

### **Applicant/Agent Representation**

52. Mr Powers in addressing the Committee raised the following points:
- This application sought planning permission for a two storey extension to an existing house.
  - Policy C6 of the Housing Site Allocations DPD set out a presumption in favour of extensions to existing houses in the countryside.
  - Since the site was last before the Committee, the footprint, width and height of the proposed extension had all been reduced.
  - The appearance and architectural features of the proposal had also been changed with a more domestic appearance proposed than last time.
  - The revisions had significantly improved the appearance of the extension and a further drop in ridge height of the roof demonstrated the subservience of the proposed extension.



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- The proposal followed an earlier approved scheme for a two storey rear extension in which the ridge line of the extended roof matched the existing house, that scheme had an floor space area of about an additional 104sqm measured externally.
- The current scheme where the roof ridge dropped below that of the main house extended to 166sqm externally, but factoring in the removal of some small outbuildings offset quite a bit of that increase.
- Whilst previous approval had lapsed, nothing had changed in terms of the policy position or local circumstances since that approval.
- The proposal was subservient to the main house and the visibility of the extension from the park would be limited.
- The extension's visibility from the rest of the Conservation Area would be very limited – just affecting the public right of way to the east of the house where there would be a lesser impact compared to the previously approved extension.

53. Mr Baynam in addressing the Committee raised the following points:

- He thanked the Committee for visiting the site.
- He had bought the property with his wife 3½ years ago, at which time planning consent for an extension had just been granted.
- He had a number of concerns about the consented scheme; the eastern wall of the extension would have destroyed the hedge along the footpath for about 10 metres. This was a privacy issue as well as a planning and environmental issue. At the planning meeting last summer, the hedge seemed quite important to most of the Committee. If the extension was set back from the hedge, it would not only preserve the hedge but would also make the extension less prominent and therefore appear more subservient compared to the previous consented scheme.
- The second issue with the consented scheme was that it created a dark space where it connected by providing an entrance or link with no habitable rooms in the link. This proposal resolved that problem as well as protecting the hedge but would require a slightly bigger footprint to achieve the same amount of habitable space.
- In last year's proposal he had wanted to further distinguish between the old and the new by having a step up. In the new proposal, he had removed the step which meant that the height of the proposed extension was now lower than the existing house and, importantly, lower than the previously consented scheme. This also made the extension less prominent and therefore more subservient than the consented scheme.
- He had listened to the previous concerns of the Committee and had tried to address as many as possible and he had also wanted to try and overcome the problems with the consented scheme.
- The proposal now created a better, less prominent, four bedroom house than the five bedroom consented scheme. The improved amenity would not just be better for the current owners but also for future generations.
- The house sat on a 1.2 acre plot and therefore the proposal and extension which were largely hidden from public view could not be considered as over-development. The proposed extension was almost invisible from any public

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footpath other than the one from the west and from this point, the extension would sit against the silhouette of the house.

- There had been no objections to the proposal and it would provide a much better configured and usable house and a better amenity in terms of sunlight and daylight.

### **Member Questions to the Applicant/Agent**

54. Councillor Carolyn Culver asked how this application compared to the approved planning application in 2017 in terms of square footage and the length of the extension. Mr Powers replied that he was unable to give exact figures in terms of how far it came out, but the previously consented scheme ran in line with the site walls. This application did nudge out to one side although some of that was offset by it being inset on the other side. The external floor space of the 2017 scheme had been an additional 104sqm with the current scheme extending to 166sqm measured externally before taking into account the removal of outbuildings.

### **Ward Member Representation**

55. Councillor Lynne Doherty in addressing the Committee raised the following points:

- She had called this application in last summer and following its refusal she was pleased to note the Applicant had responded to the concerns raised regarding the size and design of the new proposal.
- She was disappointed therefore that the Conservation Officer had continued to object as planning permission had been previously granted in this conservation area back in 2017 when it had been considered acceptable to put a two-storey extension into this area.
- When Officers referred to the character as being altered, there had already been an agreement in place to alter that character from the 2017 application.
- She felt that the Applicant had made every attempt to preserve the original lodge frontage which was what most people would see when coming down the Lane as far as they were allowed to do so, given that it was actually private property.
- The rear of the property was very hidden, which was evident from the site visit.
- Based on the plans submitted by Natural England, the proposed development would not have a significant adverse impact on the statutory protected nature of the conservation sites or landscapes.
- The property was well screened both from Donnington Grove Park and from any near neighbours in Donnington Village. As a regular user of the park and its footpaths, Councillor Doherty assured Members that White Lodge was not visible at any time of the year. As an additional measure, the Applicant intended to preserve the fence and hedge to the rear of the property.
- No objections had been received from the Parish Council or from any nearby residents.
- Councillor Doherty disagreed with the Conservation Officer's description of the approach to the property from Donnington Village. The first and only thing you would see when arriving to the white gate in the Village was the property itself. The extension would not be visible from this private approach and she did not support the conclusion that from this approach the proposal would detract from the primary of the existing building's original purpose as a modest gatehouse set within spacious grounds.

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- The Conservation Officer continued to be concerned that the scale of the extension was not subservient to the original dwelling, but Councillor Doherty felt the staggered design enabled the existing dwelling to remain the focal point of the overall design.
- The new scheme was lower than the consented scheme and when sat within 1.2 acres of private garden would not look large.
- The application had been due to be heard in June 2021, but was postponed due to waiting for an additional consultation but even while objecting, the additional consultee, Berkshire Gardens Trust felt it should be noted, that in their view, the harm done by the proposed development was mitigated somewhat because there was no longer an entrance to the Grade II Registered Park and Garden from the east. The land belonging to White Lodge effectively blocked this former entrance and therefore its link to its former role as a modest gate lodge had already partially been severed to some extent.
- A reason for refusal was because it sat within a sensitive area, yet within the same area, Donnington Grove Country Club had received permission for extensive works including a white new PVC glazed conservatory and a barn at the top of the park had also been built and developed over that period of time.

### **Member Questions to the Ward Member**

56. Members did not have any questions for the Ward Member.

### **Member Questions to Officers**

57. Councillor Adrian Abbs sought clarification that the 2017 application had lapsed. Mr Till confirmed that it had.

### **Debate**

58. Councillor Hilary Cole opened the debate by stating that when the original application was refused by this Committee, she had voted for the refusal because she was a firm believer in planning policy being there for a specific reason. However, she had not at that time undertaken a site visit. For this application, she had made a site visit and had subsequently changed her mind completely. She indicated her high regard for Conservation Officers, but felt the building was already compromised as there was a very unsightly flat roof extension onto the original building and she considered that the proposed works would be an improvement. The extension would not be seen, since it was to the back of the property. She considered that the historic park and garden was already compromised by the golf course. She did not class the property as being located in the countryside because it sat adjacent to Donnington Village, only separated by a public footpath. In conclusion, whilst she was a great defender and proponent of Council policies, in this case, she proposed to make an exception and refuse Officer recommendation and vote in favour of the application.
59. Councillor Abbs indicated that he was minded to take Officer's advice and was not in a position to agree to Councillor Hilary Cole's proposal to approve the application. With regard to the 2017 approved application which had since lapsed, he felt this was now irrelevant. He appreciated that the owners had sought to address some of the concerns with the last proposal, but he considered the proposed increase in floor space from 104sqm to 166sqm was a huge increase. He also expressed concerns that the extension may be visible at some point in the future if trees were felled.
60. Councillor Lynne Doherty seconded the motion to approve the application as proposed by Councillor Hilary Cole.

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61. The Chairman asked Mr Till what conditions would be needed to support their proposal to approve the application. The conditions were agreed as set out below.
62. Mrs Armour asked for clarification on the reasons for voting against Officer recommendations. These were agreed as shown below.
63. Councillor Phil Barnett indicated that he had been in support of the previous application and the only concern he had was the type of trees and leaves and the building not being obscured. He confirmed that he would support the proposal.
64. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Lynne Doherty to grant planning permission subject to the proposed conditions. 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 begin not later than three years from the date of this decision.

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/documents:

MFwhitelodELG (Existing Elevations - Garage), received on 22/02/2021

MFwhitelodELH (Existing Elevations - House), received on 22/02/2021

171022-102 Rev A, (Proposed Plans and Elevations), received on 22/02/2021

MFwhitelodFFH (Existing First floor Plan), received on 22/02/2021

171022-101 (Location and Site Plan), received on 22/02/2021

MFwhitelodgeTOPO (Topographical Survey), received on 22/02/2021

MFwhitelodRPG (Existing Roof Plan), received on 22/02/2021

MFwhitelodRPH (Existing Roof Plan - House), received on 22/02/2021

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

#### 3. Schedule of materials

No above ground development shall commence until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the approved materials will be used throughout construction.

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### 4. Parking

The extension shall not be first occupied until vehicle parking has been laid out in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking of private cars 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 applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

### 5. Electric vehicle charging points

The extension shall not be occupied until an electric vehicle charging point has been provided for the dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

### 6. Permitted development restriction

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 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, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

### 7. Construction method statement

No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- a) A site set-up plan during the works;
- b) Parking of vehicles of site operatives and visitors;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) Temporary access arrangements to the site, and any temporary hard-standing;
- f) Wheel washing facilities;
- g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- i) Hours of construction and demolition work;
- j) Hours of deliveries and preferred haulage routes

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Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

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

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 National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core 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.

### **9. Soft landscaping**

The extensions shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

### **10. Ancillary use**

The building hereby permitted shall not be used at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling known as White Lodge, Donnington Grove.

Reason: To limit the future use of the building to prevent uses which would not be ancillary or incidental to the main dwelling. This condition is applied in the interests of preventing a change of use which would result in an unsustainable pattern of

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development, and detract from neighbouring and local amenity. This condition is applied in accordance with Policies ADPP1, ADPP5, CS1, CS13, CS14, CS19 of the West Berkshire Core Strategy 2006-2026, Policies C1, C3 and C6 of the Housing Site Allocations DPD 2006-2026, WBC Quality Design SPD (2006), and WBC House Extensions SPG (2004).

### **(3) Application No. and Parish: 21/01038/HOUSE, 1 Croft Road, Newbury, Newbury Wash Common**

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a ward members for this application. 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 Phil Barnett declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a Member of Newbury Town Council's Planning and Highways Committee where this matter had been discussed. 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 Tony Vickers declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a ward members for this application, and he was also a Member of Newbury Town Council's Planning and Highways Committee where this matter had been discussed. 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.)*

*(Councillors Tony Vickers and Howard Woollaston declared that they had been lobbied on Agenda Item 4(3).)*

65. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 21/01038/HOUSE in respect of 1 Croft Road, Newbury. Approval was sought for a two storey extension to the side and single storey extension to the rear.
66. The Chairman stated that he had been unable to attend the site visits, and a Principal Planning Officer had not been present either. He suggested that the application needed to be viewed from the neighbouring properties; and proposed deferring debate until there was a chance for Members to do so. He indicated that he had told one of the neighbours that this would be allowed, as he had thought that Covid restrictions had lapsed when they had not. The Chairman felt it would be unfair to the neighbours to move to a debate when less than half of Members had visited the site.
67. Mrs Sharon Armour stated that the Committee must follow the procedure set out in the Constitution. She noted that the Applicant's Agent was present at the meeting and was entitled to speak to the item.
68. The Committee discussed whether it was normal procedure for it to be necessary for the property to be viewed from neighbouring gardens. The Chairman confirmed that this had indeed been the case in previous applications, subject to permission being obtained from the neighbours. Councillor Howard Woollaston indicated that he had viewed the property from a neighbouring property and considered it important that the other members of the Committee do the same.
69. Councillor Hilary Cole felt the proceedings may be one-sided in the absence of objectors. The Chairman indicated that there were two objectors, one of whom could not make the meeting, but the other was joining via Zoom.

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70. Mrs Armour indicated that the Committee should not debate a motion to defer the application without having heard all relevant information. Therefore, it was agreed to proceed with the item as planned.
71. Mr Masie Masiwa, Senior Planning Officer, 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 planning terms and officers recommended that the Head of Development and Planning be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
72. In accordance with the Council's Constitution, Mr Graham Coldman, objector, and Ms Sophie Martin, agent, addressed the Committee on this application.

### **Objector Representation**

73. Mr Coldman in addressing the Committee raised the following points:
- The objection to the application was based upon his reading of the Council's own SPG document. The development was not proposed in order to meet any future needs of the family at 1 Croft Road.
  - Among the key principles of the SPG were the effects on neighbours. He believed this application would have a substantial effect, in terms of overshadowing which the SPG said should be avoided.
  - The SPG quoted a 60° rule with regard to ground floor extensions and a 45° rule with regard to first floor extensions.
  - No documentation had been submitted which showed either the ground floor of building at the rear nor the mono-pitch roof extension met this requirement.
  - With regard to privacy, the SPG stated that the rule of thumb was 21m between facing windows and that reasonable privacy should be secured by careful design were that not possible. The property boundary was 13m from the ground floors of both Mr Coldman's property (39 Wendan Road) and 37 Wendan Road.
  - The SPG stated that any variance in the ground levels to neighbouring properties should be considered. The difference in ground level, as mentioned in the report, was estimated at about 1.25 metres from 39 Wendan Road to that of 1 Croft Road.
  - Paragraph 6.5 of the report stated that the sense of spaciousness currently enjoyed (at 37 Wendan Road) would not be widely affected as a result of this extension. 37 Wendan Road currently had a boundary of a 2 metre high wooden panel fence which would be replaced by 5 metres of brick wall with an overhanging roof of undetermined dimensions.
  - Paragraph 6.7 of the report mentioned the large expanse of glazing and that a variety of styles was common in the area, however, most of this glazing was facing east and west towards and could be considered a significant intrusion, particularly in relation to light pollution if not overlooking, and particularly on the first floor mono pitch roof where the glazing would let any lighting, whether LED or not, show into the first floor windows of 3 Croft Road.
  - Paragraph 6.8 of the report mentioned only a small section of the mono-pitched roof reaching the same height as the first floor window of 1 Croft Road. It was difficult to ascertain exactly how high this was from the plans because it was difficult to work out from the dimensions which were not given. The Planning



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Officer had said this would extend a good distance to the rear, but had not said how far - it was assumed to be between 6 and 7 metres. The Planning Officer said this would not dominate the rear elevation to an unacceptable extent. It was suggested the Committee view the 3D model to determine whether 36sqm of tile roofing reaching into the boundary was not an overbearing aspect of the design.

- Paragraph 6.9 of the report stated that a fence height of 2.5 metres was only 0.5 taller than what could be constructed under permitted development, but queried why a 2.5 metre fence was required in a domestic setting.
- In paragraph 6.11, the Planning Officer referred to loss of light to 3 Croft Road supporting this with the daylight and sunlight report which, with reference to 39 Wendan Road, was incorrect because it did not include their ground floor extension. Neither did it include the overhang of the mono-pitch roof. Mr Coldman queried why this report was considered definitive over SPG recommendations.
- Paragraphs 6.12 and 6.6 referred to the glazed openings to the east and west with only a small section which was above the fence. Mr Coldman queried why any part had to be above the fence and could it not be stipulated that the entire glazed openings had to be below the level of the fence.
- Mr Coldman concluded that it had been very difficult to ascertain the exact dimensions of the extension from the plans and he did not feel he had received fair access to the information flow from the Planning Officers.

### **Member Questions to the Objector**

74. The Chairman asked Mr Coldman if he would appreciate Members attending the site to assess the issues he had raised, in particular the size and position of the extension. Mr Coldman replied that he felt it would be helpful for Members to see the proposed scheme from his property's lower level and from the adjacent property at 3 Croft Road.

### **Applicant/Agent Representation**

75. Ms Martin in addressing the Committee raised the following points:

- The submitted drawings had been checked by the Planning Officers and were found to be scaled correctly and were accurate so measurements could be scaled directly.
- The current application had been drastically altered from the previous application as a result of the Applicant's careful consideration to the neighbour's concerns.
- The balcony element, fourth bedroom and third-story element had all been removed in their entirety and the ground floor development had been remodelled to the rear in accordance with permitted development guidelines and massing moved away from the boundaries of 3 Croft Road and 37 Wendan Road.
- Croft Road was an established residential area with presumption in favour of residential development and the proposed side extension mirrored a similar extension at 3 Croft Road.
- As 1 and 3 Croft Road were a semi-detached pair, it could be argued that the existing two-storey side extension to number 3 unbalanced the appearance of the properties from the principle elevation and the proposed side extension sought to rectify this imbalance.
- The rear façade was contemporary with a modern palette of materials and off-white render.

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- The new flat roof would be covered with sedums blending seamlessly into the garden landscape and the visual impact to the ground floor extension would be minimised by the natural slope of the long garden.
- As the SPG stated, with the complementary styles matching existing, it could be argued carefully selected high quality and sympathetic materials to the rear fulfilled the guidance to reflect and add to the appearance of the building.
- The overhanging roof and the guttering detail proposed to the side extension mirrored an existing development already carried out at 3 Croft Road and the Planning Officer had no concern with the overhang of the guttering in this respect.
- As per the SPG, by carefully matching the principal façade, size, style and proportion of windows, colours, tones and textures of existing materials, details and also replicating the bonding of new brickwork to the principal elevation and matching the mortar type ensured that the new brickwork would blend in with the old and show that the utmost was being done to protect the character of the property and the local area from the principal elevation.
- The proposal did not adversely impact on the living conditions of the neighbours as outlined in the independent report commissioned and undertaken by Mr Charles McMahon with right of light consultants who concluded that the numerical results of the study demonstrated that the proposed development would have a low impact on the light receivable by its neighbouring properties (3 Croft Road and 37 and 39 Wendan Road) and in their opinion, the proposed development sufficiently safeguarded the daylight and sunlight amenity of the neighbouring properties.
- The overlooking was immaterial in this case as the windows were over 3 metres off the ground.
- The idea of light pollution was normally brought about in cases where there might be floodlighting, for example a football pitch, which was not applicable in this case.
- The Highways Department report of 20/05/21 stated that they had no comment with regard to the application at 1 Croft Road. Even with the proposed extension to the side of the property, the front drive would remain in excess of 6x9 meters, exceeding the recommended dimensions for 3 parking spaces for a 3 bedroom house in zone 1.
- The Applicants had done their utmost to reflect the local character and add to the appearance of the building whilst making changes to support Mrs Redford and enhance hers and consequently the whole family's quality of life as she is a disabled person.
- The Applicants had carefully considered their neighbours and had made far-reaching and significant alterations to previous applications and had demonstrated understanding and consideration of local concerns. They had also acted to safeguard the character of the principal elevation of their property and to enhance it sympathetically to the rear.
- The Applicants had gone above and beyond to commission a daylight and sunlight report to ensure that the proposals did not adversely affect the impact of the living conditions of the neighbours at considerable financial cost to themselves.

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- The Applicants had also ensured compliance in terms of parking guidelines to the satisfaction of the Highways department.
- The Planning Officer was happy to recommend approval.

### **Member Questions to the Applicant/Agent**

76. Councillor Abbs asked how the extension at 3 Croft Road was similar to the proposed extension at 1 Croft Road. Ms Martin indicated that they were similar in that they were both two-storey side elevations. They were similar in principle. The side elevations on both properties were similar and there was also an existing rear development to 3 Croft Road. She suggested that the rear elevations were similar in terms of floor space, but not in character.
77. Councillor Abbs noted that a great deal of emphasis had been placed on the light report, but the previous speaker had suggested that the report contained incorrect assumptions so asked it would be risky for Members to assume the report was correct if it did contain errors. Ms Martin confirmed the report had been produced by the Royal Institute of Chartered Surveyors, independent right of light assessment, and it could be relied upon as an accurate assessment.
78. The Chairman noted from the block plan it appeared that the proposed extension was significantly further out from the building line into the garden than the extension at 3 Croft Road and queried the assertion that both developments were of similar size. Ms Martin stated that they were similar in size insofar as a sizeable rear extension had already been completed at 3 Croft Road, but she was not asserting they were similar numerically, as she had not been to 3 Croft Road to undertake a survey or take measurements of the extension. There was already a garage in place at 1 Croft Road and the extent of the proposal came out to the end of that garage space.
79. The Chairman observed if that was the case then the block plan was showing a distinctly larger extension than that at 3 Croft Road. Ms Martin clarified that she had not said the extensions were of identical size, but that they were of similar size.
80. Councillor Doherty referred to the three large windows on the proposed west elevation and asked whether they would be above the fence line. Ms Martin did not believe the windows would be above the fence line.

### **Ward Member Representation**

81. Councillor Abbs in addressing the Committee raised the following points:
- The effect on residents surrounding the proposed extension had not been correctly presented and a visit specifically to the direct neighbour was essential to fully understand what would result if the application was approved.
  - Those that had undertaken a site visit at the request of the neighbour would understand their concerns.
  - As Acting Chairman of the day, he had asked the Officer whether anybody had been invited in to see the neighbour's perspective and was told that no arrangements had been made to do so. However, within 30 minutes of the visit, the neighbour had contacted Ward Members to find out what had happened.
  - Councillor Abbs asked Members to refer to the proposed section BB / East elevation and the existing and proposed block plan on the West Berkshire planning portal, which clearly showed an approximate doubling in the length of the whole house, with over 80% of the additional length taken to a height close to

## **WESTERN AREA PLANNING COMMITTEE - 21 JULY 2021 - MINUTES**

the guttering of the existing property. Far from being a single-storey extension, it was not far off being a two-storey extension.

- Almost all of the drawings submitted for the application were hand drawn and contained few, if any measurements, but rather a scale to work from. Although Officers were confident in their calculations, the Committee had considered previous applications where measurements had made a significant difference to thinking, and Members were therefore urged to use caution when assuming these numbers or dimensions were correct, particularly given the objector's comments expressing doubt about the light report.
- The plans submitted did not correctly identify the extent of the site or boundary positions, which were major issues.
- The over-sailing eaves extended the width and projection of the extension adding to the shading and loss of daylight to the attached neighbour. The daylight and sunlight report appeared to be based on the line of the walls rather than the roof casting serious doubt on the report.
- It had been made clear from several residents that they were not opposed to an extension in principle, it was merely the specific size and layout of the proposed extension that had caused concern. Councillor Abbs indicated that he was sympathetic to this concern and urged the Applicant to modify the proposal to further alleviate the concerns raised.
- Given the lack of clarity on this issue, it appeared unsafe for Members to approve this application at this stage.
- Councillor Abbs urged Members to refuse the application on the grounds of loss of amenity, uncertainty around measurements and non-compliance with the SPG.

82. The Chairman, speaking as ward member made the following points:

- The application was finely balanced and that there had not been good communication between the Applicant and their neighbours.
- There was concern that at least one of the neighbours had engaged with professional planning advice, but unfortunately on the date of the meeting, the Planning Consultant was on holiday and the Applicant was not available to attend the meeting.
- In the interest of fairness, so that both sides could have the right to attend and have their case heard and for Members to be able to see the proposal from the site and from the property of the immediate neighbour, he felt that the matter should be deferred.

### **Member Questions to the Ward Members**

83. There were no questions for the ward members

### **Member Questions to Officers**

84. Members did not have any questions for officers.

### **Debate**

85. Councillor Abbs asked if Members could move to defer the item at this point.

86. Mrs Armour stated it was up to the Committee to decide to defer if they did not have sufficient information to make a decision.

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87. Councillor Woollaston opened the debate and proposed that the application be deferred as there were questions over the height of the building, some of the dimensions required clarification and more information was required from a physical site visit. The proposal was seconded by Councillor Abbs.
88. Mr Till stated that in relation to the matter of procedure of Committee site visits, members of the public had not been invited to participate due to Covid-19 regulations, so there was nothing untoward in this. He also made the more general point that there was no procedural requirement for the Committee to make site visits to a neighbouring property. Officers accepted that it may be of benefit, but in the majority of cases Members were expected to make a decision based on what was visible within the site and public views. He conceded that there may be cases where an exception could be made and this case may be one of them, but as a general principle a visit to a neighbouring property did not form part of Committee procedure. The Chairman agreed with Mr Till.
89. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Abbs to defer consideration of the proposal. At the vote the motion was carried.

**RESOLVED** that consideration of the application be deferred.

### **Continuation of meeting**

90. In accordance with the Council's Constitution point 7.13.5, the Committee supported Councillor Hilary Cole's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(4).

### **(4) Application No. and Parish: 21/01012/FUL, Kintbury Methodist Church, Inkpen Road, Kintbury**

91. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 21/01012/FUL in respect of Kintbury Methodist Church, Inkpen Road, Kintbury, Hungerford, RG17 9TU. Approval was sought for Change of Use from redundant Methodist Church to residential dwelling (Use Class C3). Proposals will retain the front elevation onto Inkpen Road unchanged, with the introduction of patio doors to the rear elevation in the location of the existing kitchen window. Internally, the works will involve the creation of a living, kitchen dining area, separate living room, 2no. bedrooms and bathroom.
92. Mr Simon Till, Team Leader (Western Area Planning), 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 unsatisfactory in planning terms and officers recommended that the Head of Development and Planning be authorised to refuse planning permission for the reasons listed in the main and update reports.
93. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard confirmed that he had no further comments beyond those made in Mr Till's presentation.
94. In accordance with the Council's Constitution, Mr Tim Cork, applicant, addressed the Committee on this application.

### **Applicant Representation**

95. Mr Cork, in addressing the Committee, raised the following points:

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- The Officer's report contained inaccuracies which he had previously highlighted, but which had not corrected in the report.
- His son and his son's partner, who had lived in the area all her life, intended to make the building their home.
- They were very enthusiastic about saving the building by creating a home in the village.
- Planning policy P1 was aimed at 'new development' and did not cater for a Change of Use application for an existing building.
- The Committee report argued that under policy P1 the proposal required two parking spaces, which could only be found on the street. This was not entirely accurate and missed the important point that it did not adequately explain the context.
- By granting approval to the application, the current D1 Use Class which the building currently enjoyed would be extinguished forever. This currently permitted the building to be used as a place of worship, a teaching establishment, a crèche, day nursery and clinic amongst other uses. All of these uses would have significantly greater car parking and associated traffic movements than the two car parking spaces needed by the change of use to a residential dwelling. The application would result in a net reduction in the current parking demand, not an increase.
- As part of the application, a parking survey was undertaken in Inkpen Road, Church Road, Station Road and High Street. These areas were visited and photographed at various times of the day, including 10.30pm, during the week and weekend. Photographic evidence showed that at all times visited, two car parking spaces were available within a short walk of the site.
- In terms of amenity space, the Committee report stated that under the SPG the building should have 70sqm for a two bedroom house. Mr Cork suggested this policy should only related to new development and was not appropriate for a Change of Use.
- The proposal had just under 30sqm amenity space and not 15sqm as stated in the report.
- To the rear, the orientation enjoyed really good sunshine and a high level of privacy and the area would provide for a garden shed, outdoor seating and eating area, a bench and plenty of planting. This level of provision would be considered generous for a flat.
- There would be no loss to privacy, as the proposal retained the existing obscured glazed windows to the side looking into the garden.
- The roof lights would be placed higher up the roof pitch to avoid any overlooking.
- One of the most environmentally sustainable approaches to creating a new home was to refurbish an existing building. This was an existing building so carbon generated in the manufacture of the building materials and construction of the building had already taken place. Therefore there was a large element of embedded carbon already in the existing building. This meant that the harmful greenhouse gases in the refurbishment process would be significantly lower than for a new build alternative.

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- Modern standards of insulation would be sought for the roof and external walls and high performance windows, roof lights and doors would be installed to significantly improve the thermal insulation of the property.
- The intention was to remove the existing oil-fired boiler and tank. An ultra-high efficiency electric boiler system was being investigated which performed at 99.8% efficiency and would be linked to a green energy tariff.
- These installations would be intended to give the building a new lease of life as a modest home performing to high sustainability standards.
- By granting approval to this application the current vacant building would become a home for a young couple with strong, local links. The future of the building, which was in a state of disrepair, would be saved, and as a home would be loved again to be maintained now and into the future.
- The proposal represented an excellent opportunity to create a new home in the centre of the Village which, as a refurbishment, would have excellent ecological credentials.
- Removal of the D1 Use classification of the existing building would result in the permanent decrease in real terms of the parking and traffic demands that the building currently generated. Approval of the application would be the right thing for the building and the village.

### **Member Questions to the Applicant/Agent**

96. In relation to the removal of D1 Use classification, Councillor Garth Simpson asked how long the building had not been in use. Mr. Cork indicated that it had been approximately 2 years and that towards the end of its use as a church, the congregation reduced to only 6 people, which had led to the building becoming vacant.
97. Councillor Howard Woollaston asked what errors had been made in the Planning report. The Chairman requested this was not answered as Mr Cork had referred to the inaccuracies before his allotted representation time.

### **Ward Member Representation**

98. Councillor James Cole in addressing the Committee raised the following points:
- The application had been called in on the basis that the parking question had not been adequately dealt with. It had not been called in against any re-use of the building.
  - Most of the objections related to parking and the Ward Members had met with the Applicant outside of the building. Following this meeting, they had agreed that the call in should become one that was irrespective of Officer's decision, so the decision could be made in public.
  - It was also a matter of policy. The Planning Officer objected to the amenity space which, whilst a bit more than originally thought, was still small. If the proposal were for a two or three bedroom flat, there would be less concern around amenity space. He accepted that it could not be enlarged without knocking part of the building down. The Policy was 'one-size fits all' and did not fit in the particular circumstances of this building.
  - From the point of view of parking, there were photographs on the website and the site visit demonstrated the parking situation, which was why he had attempted to get a parking scheme for Kintbury in previous years and may have to try again.

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- The Council could hope that some other non-residential use could be found, but as the Applicant had already indicated, if the building became bookable for small meetings, it would revert to its old usage. It did vary from nothing to many cars parking whenever the incumbents had a coffee morning to raise funds.
- The parking issue as seen at the site visit could become an everyday issue so contrary to objectors' concerns, the option of change to residential use may actually be better. As Heritage Champ, he had to consider the heritage aspect and felt that what was proposed was a sympathetic conversion that did not harm the Conservation Area whereas harm would be done if the building was allowed to rot.
- The proposal appeared to be very sustainable – taking the existing building, insulate it to make it acceptable in heating plans without using masses of new concrete, brick and stone and heat it with electricity. There was not really the space for air or ground source heating but the building would be one where, later in its life, solar slates could make sense. The impression from the Planning Officer had been that policy issues were borderline and he felt the Committee should make a practical decision.

99. Councillor Rowles in addressing the Committee raised the following points:

- She agreed with the points made by Councillor James Cole.
- She considered it right that it came to committee and welcomed the Committee's views on the current D1 usage versus residential usage.
- She also urged Members to ask Officers about the discrepancies in the planning report to which the Applicant had referred.

### **Member Questions to the Ward Member**

100. CouncillorCarolyn Culver asked whether there was any potential for the building to be used by the community. Councillor James Cole indicated that the building had been derelict for two years and the community was already well served by other buildings in terms of providing space for meetings and activities. The Coronation Hall was quite large and there was another building nearby which also provided community space as well as Kintbury Church which had a parish hall. As such, the vendor had not found a buyer for the building for such a purpose, and whilst that might change in the future if the building reverted to community use it was likely to be at least in part commercial, which would mean extra traffic. Councillor James Cole had advised the Applicant that if a parking scheme was introduced he could expect there to be double yellow lines outside of the building, but the Applicant had not been deterred by this.

101. Councillor Adrian Abbs questioned whether when the building had been in use as a Church, the associated parking problems been confined to a Sunday? He suggested that residential issues would be confined to evenings. Councillor Rowles indicated that residential properties may have deliveries. Regarding the existing use, she gave the example of Kintbury Church, which was active on all days of the week, with coffee mornings and other community activities outside of Sunday services. She indicated that this building could revert to a place of worship or it could potentially become more commercial, and attract more cars and traffic.

102. Councillor Abbs suggested that if the application were approved, there would be some certainty around traffic and parking issues, but outcomes were less certain if it were refused. He asked if the Ward Members supported the application. Councillor Rowles acknowledged that it was a difficult decision due to the parking issues in the area and she welcomed the views of the Committee. Councillor James Cole



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indicated that he had called in the application on the basis of parking. A parking scheme had been developed previously, which would have banned parking outside the property. He stated that the Parish Council has supported it and then had withdrawn their support.

### Member Questions to Officers

103. Councillor Culver referred to point 2.1 of the report which referred to a previous planning application, and asked what the date for this application was. Mr Till was unable to provide the date, but Mr Cork was able to confirm that it was from 1994.
104. Councillor Simpson asked what approved new builds applications for Kintbury were outstanding, and also what the target that Kintbury had in the Forward LRP. The Chairman did not think this was a relevant question as this application only referred to a single dwelling.
105. Councillor Woollaston asked Officers to indicate where the inaccuracies in the report were. Mr Till replied that, he was not clear from his correspondence with Mr Cork and the Planning file what these inaccuracies were. From the outcome of the Committee site visit, Mr Till thought Mr Cork may be referring to the fact that he did not accept that the study bedroom should be considered as a third bedroom, which Officers would dispute because the plans indicated the room met the minimum size requirement for a bedroom. In addition, there was a concern that the Officer's measurement of the rear garden and space may be incorrect and he confirmed that it was approximately 30sqm and not 15sqm as stated in the Case Officer's report, albeit 30sqm was still far below the recommended standard of 75sqm for a two bedroom house. Also, the Applicant felt that Officers had not correctly represented his plans for sustainable energy and fuel efficiency for the site. Mr Cork had submitted a sustainable energy statement, but this was too late for consideration by Officers or Members. However, if Members were minded to approve the application and wanted some form of commitment from the Applicant of sustainable energy solutions, there was always the option of applying a condition.
106. Councillor Lynne Doherty sought clarification on Officers' highway safety concerns. Mr Goddard stated that the objection was on the basis that the proposal did not comply with the Council's parking standards and the Housing Site Allocations DPD for a 3 bedroom dwelling, which required 3 parking spaces. There was no objection on traffic grounds as, over the course of a week, a single dwelling would generate much less traffic during the day than a Church or similar uses. The concern was parking during the evening when other residents would also be at home and this additional parking would cause additional congestion on the streets in the centre of Kintbury, particularly Inkpen Road. This would lead to a safety issue by making the streets narrower, with one-way working in many instances and increased congestion. As evidenced by the letters of objection, residents believed there to be an issue with parking in the area and the Kintbury Parish Council had also raised an objection. Mr Goddard therefore advised Members to support Officer's recommendation, and the Highways' reason, for refusal.
107. Councillor Abbs asked, if members were minded to approve the application, what impact would this have on policy and could this decision be referenced by other potential Applicants to leverage approval? Mr Till stated that this proposal was unique in that there were public benefits potentially to retaining the building to be evaluated against the failure to comply with parking policy. He indicated that members may choose to give a different weighting to those public benefits in terms of retaining the Methodist Church building within the Conservation Area in a viable use and that weighting may be considered to overwhelm the concerns in respect of

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parking policy. As such, Mr Till confirmed that Officers would not be concerned that the circumstances as such could be generally replicated across the District eroding the policy.

### Debate

108. Councillor Hilary Cole opened the debate. She suggested that the two issues were amenity space and parking. In respect of amenity space, commercial buildings that were converted to dwellings under permitted development rights had little or no amenity space, so the fact there was a limited amount at the site was, in her view, probably acceptable. With regard to parking, she indicated that there were many houses in Kintbury without any parking and the situation had to be accepted as it was. Whilst accepting Mr Goddard's comments about parking standards, she felt this referred more to new build rather than conversions. Councillor Cole considered the proposals to be a nice use of a redundant building and that whatever the use of the building, there would be a parking problem. On this basis, she would be content to go against Officer's recommendations in this instance.
109. Councillor Jeff Cant supported Councillor Hilary Cole's comments. In other places, he had seen attractive buildings left to deteriorate over long periods of time due to indecision about allowing other uses. He felt the proposal was an ideal opportunity to preserve the building and was satisfied with the parking issues that had been raised, as well as the amenity issue, and saw no reason not to grant consent.
110. Councillor Phil Barnett indicated that he supported the general theme of bringing back into use old buildings such as churches into residential use. His concern was the traffic issue which he had experienced himself when he had arrived on site in Inkpen Road. Members had been able to go to the next door neighbour's garden to see how close to the back door this building was, and what the effect may be on their quality of life. He asked what sort of insulation would be used in the alteration to the building to mitigate the impact on this neighbour. Not only was there a window which would be obscured, but the neighbour made it clear that when services were held, they could easily hear what was being said in the sermon and the singing. For these reasons, he was inclined to agree with Officer's recommendation to refuse planning permission.
111. Councillor Woollaston noted that the building was a non-designated heritage asset, but he could not foresee any use other than residential and felt that the alternative would be to see it fall into disrepair, which he considered to be unacceptable.
112. Councillor Hilary Cole proposed that Members went against Officer's recommendation and recommended acceptance of the application. This was seconded by Councillor Woollaston.
113. The Chairman asked for reasons and conditions.
114. Following suggestions by various Members, Mr Till confirmed the conditions and reasons for refusal as set out below.

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

### Conditions:

1. The development hereby permitted shall begin no later than three years from the date of this decision.

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**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). The development must be in accordance with the approved drawings;

2. The development hereby approved shall be carried out in accordance with the following drawings:

2021/100/001, 2021/100/002, 2021/100/009, 2021/100/010, 2021/100/012, 2021/100/007A, 2021/100/008

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

The external materials used in the exterior of the building hereby approved shall match those used in the existing building.

**Reason:** In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Local Plan Core Strategy 2012 and the NPPF. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- a) A site set-up plan during the works;
- b) Parking of vehicles of site operatives and visitors;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) Erection and maintenance of security hoarding
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) Hours of construction and demolition work;
- h) Hours of deliveries and preferred haulage routes.

**Reason:** To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

3. The dwelling hereby approved shall not be occupied until a sustainable energy statement has been submitted and approved in writing by the Local Planning Authority under a formal discharge of conditions application. The statement shall set out the improvements to energy provision and construction that are to be made to the building in order to improve its energy sustainability credentials including a schedule for implementation of those measures. The approved sustainable energy measures shall thereafter be implemented in accordance with the approved schedule.

**Reason:** In order to seek the improvement of the sustainability credentials of the building in the interests of addressing climate change and improving quality of life in West Berkshire in accordance with the objectives of the NPPF and Policies CS14 and CS15 of the West Berkshire Local Plan Core Strategy 2012. Irrespective of the

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provisions of the Town and Country (General Permitted Development) Order 2015 or any subsequent version thereof no additional windows shall be installed on the southern elevation or roof of the dwelling hereby approved without planning permission having first been granted on an application made for this purpose. Any new or existing roof lights in the dwelling hereby approved shall be obscure glazed and non-opening except where more than 1.7 metres above the floor level of the room which they serve. The dwelling shall not be occupied until all windows in the ground floor southern elevation have been obscure glazed, and these windows and any replacements shall remain obscure glazed thereafter.

**Reason:** In the interests of neighbouring amenity in accordance with the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy 2012. The dwelling hereby approved shall not be occupied until a report confirming that the building complies with Part E1 of the Building Regulations (Protection against sound from other parts of the building and adjoining buildings) has been submitted and approved in writing by the Local Planning Authority under a formal discharge of conditions application.

**Reason:** In the interests of the amenity of the future occupant and neighbouring occupant. This condition is applied in accordance with the objectives of the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy 2012.

4. Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015, or any subsequent version thereof, no extensions or outbuildings shall be erected or additions or alterations to the roof of the dwelling hereby approved shall be made without planning permission having been granted on a planning application made for this purpose.

**Reason:** In the interests of amenity of the occupant and to prevent the overdevelopment of the site in accordance with the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy 2012.

**Reasons:**

The benefits of retaining the heritage asset weighed favourably against potential concerns regarding highway safety and amenity.

The fact that Kintbury was well-served by rail as an alternative means of sustainable transport.

*(The meeting commenced at 6.30 pm and closed at 10.28 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, 11 AUGUST 2021

**Councillors Present:** Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carlyne Culver, Lynne Doherty (Substitute) (In place of Dennis Benneyworth), Clive Hooker, Tony Vickers (Vice-Chairman) and Howard Woollaston

**Also Present:** Sharon Armour (Solicitor), Kevin Griffin (Head of Customer Services & ICT), Jenny Legge (Principal Performance, Research and Consultation Officer) and Simon Till (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth

#### PART I

#### 11. Minutes

The Chairman proposed a non-notice procedural motion for standing orders be suspended, to permit Members (including those who are not Members of the Committee), officers and members of the public engaging remotely to speak at the option of the Chairman.

The motion was seconded by Councillor Hilary Cole.

At the vote, the motion was carried unanimously.

The Minutes of the meeting held on 30 June 2021 were approved as a true and correct record and signed by the Chairman.

#### 12. Declarations of Interest

Councillors Adrian Abbs, Carlyne Culver and Tony Vickers declared an interest in Agenda Item(4)1, 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.

#### 13. Schedule of Planning Applications

##### (1) Application No. and Parish: 20/02779/COMIND, Land South of Newbury College, Monks Lane, Newbury, Greenham

*(Councillors Adrian Abbs and Phil Barnett declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Greenham Parish Council. Councillor Abbs also declared that he was the Chair of Greenham Parish's Planning Committee. 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 Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a member of Greenham Parish Council and Newbury Town Council. 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.)*

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*(Councillor Carlyne Culver declared that she had been lobbied on Agenda Item 4(1))*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/02779/COMIND in respect of a Section 73 variation of conditions 2 (plans), 3 (boundary treatments), 4 (hardscaping), 6 (BREEAM), 7 (external lighting), 9 (noise from services), 11 (sport England), 12 (travel plan), 13 (cycle and scooter parking), 17 (landscaping) and 24 (E V charging points) of approved 17/03434/COMIND - Construction of a new 1 FE single-storey primary school south of the existing Newbury College, with associated soft and hard landscaping. Construction of a temporary access to the school from the Newbury College site and a permanent access from the A339 to serve the allocated strategic housing site and form the permanent access to the school. Construction of bunds adjacent to the temporary and permanent access roads to prevent access from the roads to private land, on land South of Newbury College, Monks Lane, Newbury.
2. Mr Simon Till, Team Leader (Western Area Planning), 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 planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission subject to the conditions outlined in the main and update report.
3. In accordance with the Council's Constitution, Mark Lewis (WBC Education Place Planning and Development Manager and Project Sponsor) and Mr Greg Bowman (WBC Property Project Officer), applicant, addressed the Committee on this application.

### **Applicant Representation**

4. Mr Lewis and Mr Bowman in addressing the Committee raised the following points:
  - Mr Bowman noted that the Committee had visited the site and would have seen what an inspiring addition the development would be to Newbury and West Berkshire, and how it would benefit children for generations to come.
  - The purpose of the application was two-fold, to provide information required to clear outstanding conditions as appropriate, and to bring to the Committees attention some minor amendments to the existing permission.
  - As the case officer has outlined, these amendments included the introduction of lighting to the north-south path between the college and the school to allow safe pedestrian and cycling access, the reduction of the BREEAM rating, and amendments to the parking, and changes to the electric vehicle charging provision. He hoped that the Committee would consent and he welcomed their questions.

### **Member Questions to the Applicant**

5. Councillor Adrian Abbs noted that during the site visit Members had seen that there were only six and a half drop-off bays marked out, rather than seven. Mr Bowman explained that this was an error and the line-marking would be completed shortly.
6. Councillor Carlyne Culver noted that the report stated that the school would be at full capacity by 2025, however she queried whether this should have read 2024. From her calculations it appeared that the projected pupil numbers would be 60 in 2022, 90 in 2023, and 120 in 2024. Mr Bowman advised that full capacity would be 210, which would occur in 2026/27.

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7. Councillor Culver explained that she was seeking clarity on when the 13 Kiss and Drop places would be required. Mr Bowman concurred that with a capacity of 120 pupils almost half the school would be occupied in 2024. This would be the point at which Highways Officers felt that there would need to be further parking bays within the site. Up to this point it was felt that the school would be able to manage with seven bays on the southern side, and the lay-by on the public highway to the west of the school.
8. Councillor Culver further questioned the mention of a turning circle in point 6.9 and on page 38 of the report. She noted that on the site visit questions were raised as to whether there should be a turning circle at the end of the widened road, as there was concern around students alighting from their cars, and walking out in front of other cars. She queried whether the lack of a turning circle would lead to the pupils being in danger on that stretch of road.
9. Mr Bowman explained that the adoptable highway was designed by Highways, and built by a contractor specifically for this application, to meet up with any development that might come from Sandeford, if and when it came about, therefore there was no turning circle.
10. The issue of the possible health and safety for children was related to within the school boundary, and to do with the location of spaces, as per the original 2018 planning permission on the northern side of the Kiss and Drop within the school boundary.
11. Councillor Culver concluded her questioning by noting that point 6.17 mentioned the running track, and the concern expressed by Sport England that the use of it would be impeded by fencing. She queried whether it was intended that there would be a running track for students. Mr Bowman explained that currently, with the fence across the expansion area of land, there was the required total external space for one Form of Entry (FE) primary school. Within the available area the school could reasonably lay out a running track of approximately 60m in length, should they wish. Officers had met the Department of Education requirements in terms of providing for the curriculum for the school. If the school moved to two FE in the future and took on additional land, then they would have space for a running track of approximately 80m.
12. The Chairman stated that the total number of pupils in the school with one FE would be 210, with potentially 210 sets of parents or carers, who would be driving all the way to the Swan roundabout and back up again to the school. In the Travel Plan, there was mention of a voluntary no-drive zone. He asked whether officers envisaged that the route to Swan roundabout and back up again would be permanent and if so, where the no-drive zone would be placed.
13. Mr Bowman explained that there had been a survey commissioned by Highways officers, which had investigated the number of people travelling to the school, and the various methods of travel they might use. As the catchment area of the school was not defined, there would be more modes of transport than for a normal primary school. He believed that those driving to the school would be travelling down to the Swan roundabout and back up, as that was the way the highway was laid out. In terms of the no-drive zone, he was not aware of the details of where it was to be positioned.
14. The Chairman sought further clarification of the changes included in the revised travel plan. Mr Bowman explained that the elements of the changes were: actions had been re-assigned; contact details had been updated; sustainable travel schemes

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had been clarified, e.g. to reduce car usage; information on how students and parent would be educated about active travel and healthy lifestyles had been included; a commitment from the school to offer a cycle to work scheme for staff, and a commitment from the school to take part in the Hands up Travel Survey had been added.

15. Councillor Jeff Cant was concerned as to whether officers had calculated catchment area projections for the school and if so, whether the significant housing development in Donnington to the north of Newbury had been taken into consideration. He lived in that area and noted that there was already congestion on the Robin Hood roundabout. Residents had been promised changes which had not yet appeared. He queried whether the broad catchment area would make it likely that people would be drawn across town from the new development.
16. Mr Bowman commented that Travel Survey undertaken in 2016 had included travel projections, however he did not have the details to hand. Mr Lewis explained that the North Newbury development had separate mitigation in place. He noted that the Highway Copse School were their own admission authority, however he believed that those who lived nearer to the school would be given priority.
17. Councillor Abbs asked a supplementary question regarding the reduction in the BREEAM level. He noted that it was initially envisaged that the school would have solar panels installed, however due to budgetary restraints this was no longer the case. The decision had been taken around the time that Members had declared a Climate Emergency. He queried whether it would be possible for solar panels to be installed in the future.
18. Mr Bowman confirmed that should funding be found in the future, then solar panels could be installed. It had been explored previously, however the Council's own budget for capital spend on solar panels did not stretch to buildings that it did not own. The school was owned by Newbury Academy Trust, and managed by Newbury College as it was not a maintained school. Officers sought to make use of the government's Decarbonisation Fund opened in December 2020, however they had been advised by consultants that the scheme was oversubscribed and funds could not be accessed.
19. Councillor Abbs asked whether installing solar panels would have meant that the development would have been able to reach the level of BREEAM excellence. Mr Bowman explained that when the previous main contractor had gone into administration, information regarding the BREEAM points had been lost.
20. Councillor Phil Barnett commented that it was preferential to see children cycling and walking to school, instead of being driven, however there would clearly be a group of parents that would have to drive to the school. He questioned whether the expectation was that all the parents or guardians would arrive at the same time, which could cause a bottle neck with regards to parking. He also queried whether, due to the young age of the pupils, it had been taken into consideration that parents would need to take the children into the school, rather than dropping them off and letting them make their own way. His concern was that the number of parking spaces would not be adequate during the interim period.
21. Mr Bowman concurred with Councillor Barnett's point that those initially attending the school would be younger children, who would need to be walked into the school from the Kiss and Drop and parking spaces. He would anticipate that parents would be arriving at various times to drop off their children. The school would manage arrival times.



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### **Ward Member Representation**

22. Councillor Abbs in addressing the Committee raised the following points:

- The Sandleford development was meant to deliver new homes by 2016, and therefore the school was meant to be delivered after the building work on the site had begun. The road that was half constructed was meant to link eventually through to Monks Lane, which would have made the Travel Plan make more sense, as parents would have accessed the school through Monks Lane.
- There was also the situation where there was a temporary access through Newbury College. As Chairman of Greenham Parish Council (GPC), he was under the impression that the college did not have any objections, however they had now raised concerns. Had GPC known of the college's concerns it might have altered their view of the proposal.
- As ward member, he saw the temporary access as being a very viable solution, and could not see why it could not remain in place until such time as Sandleford was delivered, and if it was not delivered, then there was a viable solution.
- Councillor Culver had already mentioned that on the site visit the lay-by of the new road would be an absolute disaster in regards to health and safety.
- He suggested that Members considered that they should link this application to the Sandleford development in the conditions, as either the temporary highway solution became permanent, or Sandleford was delivered.
- He also suggested that a solution be worked upon with Newbury College to create a drop-off within the college boundary to allow for a "walking bus" from their site to the school in an aim to reach a greener travel solution.
- Finally, he urged Members to be cautious about reducing the BREEAM level, as he was disappointed as Ward Member to be seen to be delivering a new school without solar panels.

### **Member Questions to the Ward Member**

23. Councillor Lynne Doherty wondered where Councillor Abbs had got the impression that the school was built for Sandleford, as her understanding was that it was built for the overflow for primary schools in the south of the area.
24. Councillor Abbs suggested that the Travel Plan had suggested the links with the Sandleford development. He noted that there would be a connection through Sandleford to Monks Lane. The connection was that the road had been built as though the Sandleford development had been built, so it could not be ignored that the Travel Plan had been designed as though there was a road through Sandleford, and therefore it was now linked, even if it had not been originally.
25. The Chairman concurred with Councillor Abbs that it was always intended, at the time of road being built, that it would link through to the Sandleford site. However, it was not serving the Sandleford residents.

### **Member Questions to Officers**

26. Councillor Culver raised the issue of the need to have the extra Kiss and Drop by the time the student cohort had reached 120, which would be by September 2024, not September 2025. It was important that the date was correct and it clearly stated in point 6.11 of the report that there would be 30 in 2021, 60 in 2022, 90 in 2023, and 120 in 2024. It might appear pedantic, but the conditions needed to be clear on when the extra places needed to be available.

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27. Councillor Culver noted that in order to provide the extra Kiss and Drop places, there was a need to move some of the trees, mentioned in point 6.10 of the report. She wondered whether it would be better to do this sooner rather than later, as the trees would be well established in three years' time.
28. Councillor Culver also referred to point 6.25 of the report to a risk of vandalism to the lights. She sought clarification as to whether other lower lights in the district had been subject to vandalism.
29. Mr Till noted that in respect of the timing of the provision for the Kiss and Drop he did not pretend to have the level of familiarity as Mr Bowman had with the application. Mr Bowman had advised that the date was 2025, however Councillor Culver's maths did seem to be correct, therefore if members were minded to amend the condition to 2024, the grounds would be reasonable and should it prove unnecessary, the applicant could seek an amendment to the condition at a later date.
30. Mr Till noted that moving the trees was at the schools own prerogative in terms of ensuring that the trees were moved in such a manner as to prevent harm to them. Should the trees need to be moved at an earlier date, then the landscaping advice from their consultant would affect their decision.
31. In respect of Councillor Culver's question regarding vandalism of lighting columns, Mr Till had no pertinent information with which to advise the Committee. The applicant had indicated a preference towards the higher column solution, rather than the bollard solution. The officer who had assessed this matter had raised no objection to either, so he suggested that school was likely to install the solution which would cost the least.
32. Councillor Hilary Cole had a question on the lighting condition 5. She queried whether the Committee was able to decide which lighting scheme could be used, should they express a preference. Mr Till confirmed that the committee could amend the recommended condition. The condition was recommended thus, as the case officer's view had been that he had no material grounds to prefer one scheme to the other.
33. The Chairman questioned officers regarding paragraph 6.9 of the report, and the ability to park on the link road in the lay-by. The Committee had already heard reference to the lack of a turning circle. He queried whether officers envisaged that parking would be banned in the lay-by, in the short term, to avoid the chaos of drivers turning round in the road, or would people be allowed to use the lay-by as the school filled up.
34. Mr Till explained that the Highways officer had made a comprehensive assessment of the parking provision and the road layout in respect of this application and the previous existing planning permission on the site. The extant planning permission was the applicant's fall-back position, therefore imposing conditions in respect of a matter that had already been approved would be fundamentally unreasonable. In respect of the limitation of parking, the school had duty of care to people who used their roads for access and should take sufficient precautions in order to ensure no dangerous vehicles movements would occur on the site. He did not believe there was any reasonable grounds for the Committee to impose additional conditions in this instance.
35. The Chairman asked a supplementary question, regarding the schools duty of care, and whether this fell to the school or Newbury College. He noted that Newbury College had a huge area of land that could resolve the situation. He sought clarification as to who would be responsible in a planning or a legal sense for the

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safety of the pupils. He understood who was responsible once the pupils were on the school land. However who was responsible when the pupils were on the highway, and what could the Committee do about it tonight. Mr Till explained that this was going somewhat beyond the reach of the planning application. The Committee was considering what was within the red line of the application site. Ultimately the duty of care for parents and children attending their site fell to the school and the Head teacher. Land owned by Newbury College did not form part of the site under consideration, and the Committee had no control other than what was within this planning application.

36. Mrs Armour concurred with Mr Till and directed the Committee to continue to focus on the application before them.
37. The Chairman continued to query whether Members could continue to work within the red line to provide a solution, as it included land to the north of the link road. Mrs Armour noted that the Chairman should be mindful of the extant permission and of what was being applied for in terms of the amendments.
38. Councillor Clive Hooker asked Mr Till about the information the Committee had been given about the original developer going into administration. He questioned how robust officers had been in interrogating the previous company in getting the information regarding BREEAM. He found it strange in this day of being paperless and computer driven projects that this information would not have been backed up if officers had persisted. The position was now that the level of BREEAM had to be reduced to "very good" and he felt it was very disappointing. Mr Till agreed that it was disappointing to reduce the level of compliance, however he was aware from the discussions that had taken place with the applicant, that the missing information was a perfectly legitimate problem with proving that the development could meet BREEAM "Excellent". He was also aware that the development was managed with that task in mind, however where information was held purely by the contractor, and the contractor went into administration, then the records went into the hands of various third parties, and he was minded to say that he could accept that the information had gone missing. He found it implausible to suggest that there was any intention to deceive and cover any failure to comply with BREEAM. He was aware that the point system of BREEAM meant that if points were lost in certain areas, then this greatly affected the overall score.
39. Councillor Abbs referred to the unfinished parking bay mentioned earlier in the meeting. He queried what the measurement was for a turning circle so that a vehicle could smoothly exit out of the back-gate. Mr Till noted that he would have to answer the question from the point of not being an expert on technical highways details. He stated that the Highways officer had checked over the scheme and had confirmed that it provided parking in accordance with the site requirements.
40. Councillor Abbs asked whether Members could ensure that the turning circle was sufficient through an amendment to the conditions. Mr Till assured the Committee that the Highways officer had measured the provision from the plans that had been provided. He could confirm that the plans complied with Highways standards. If a discrepancy was found to have occurred then it could be investigated and action taken to rectify it. The conditions required compliance with the plans and those plans did show sufficient space.

### **Debate**

41. Councillor Hilary Cole opened the debate by commenting that the Committee was edging towards being in danger of amending the application on the fly. She wanted to

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- remind Members that they should be considering the application as it was before them, and not to try to change things because they felt that they have a better idea. Her comment was on the lighting, and her preference for the lighting was for low level bollards to avoid excessive light pollution. She appreciated that the column lights were direct, however for the aesthetics she would prefer to see low level bollards.
42. Councillor Hooker wished to give his general overview of the project. He recalled sitting down with Members two years ago and discussing this application at length. Members were quite specific with the conditions, such as Kiss and Drop. He noted that the Committee had heard tonight that the developer had lost the information about BREEAM. He wanted to ask Members to give consideration as to the process that this applicant had gone through to have made numerous changes to the extant permission. The applicant was requesting approval for amendments such as, tarmacking the play area at behest of the new Head Teacher, reducing the Kiss and Drop area, the introduction of lighting, effectively taking away a whole football field of play area, and the erection of 2m high fences and knee high fences. He was questioning who project managed this development, and who had given the developer the approval to make these changes with the expectation that this Committee would rubber-stamp them. On this basis any developer would make any change they like with the expectation that this Committee would approve it. He asked the question, considering who the applicant was, how West Berkshire Planning Officers would react if a private developer had built a hotel for example, and then returned a year later having made ten changes and asked for approval. He queried where the link was between the project manager, the developer and the Planning Department of this Council to give a pre-application consideration as to whether this was acceptable. He found this application rather embarrassing, and not a good example going forward.
  43. The Chairman thanked Councillor Hooker and concurred with his view. He was also concerned that the Council, as an applicant, sometimes behaved less robustly in terms of process than some other applicants. He reminded Members that they were faced with approving the application with the respective changes or not. He considered that the area where they did have discretion was in the area of the Travel Plan, which seemed clear to Ward Members.
  44. Councillor Cant was concerned as to what extent the delivery of educational services to young people in the area would be affected were the Committee to impede the progress of this planning application. He had every sympathy with the points made about adequate project management and better control, however he reflected on the impact on the generations of children who might use the school that not going ahead with the project might have.
  45. The Chairman asked whether it would be helpful if he suggested something as Chairman that he and other Ward Members had previously discussed. He considered that what had been proposed was acceptable for two or three years, however the Travel Plan already proposed to establish a voluntary no-drive zone by Easter 2022. He noted that within the College grounds there was a bus stop that had the potential to be a drop-off. He suggested that the Committee could request that the school negotiate with Newbury College and set up a Park and Stride facility from the bus stop within three years. He queried whether a condition could be imposed to review the Travel Plan within three years, so that the newly evolving situation could be considered and addressed.
  46. Councillor Hilary Cole understood the points made, however the question that needed to be clarified by officers was whether what had been proposed by the

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Chairman was too much of deviation from the application before the Committee tonight. If it were considered acceptable to the officers, then she would support it.

47. Mrs Armour stated that on the assumption that the Chairman was discussing the amendment of condition 10, she understood that he was proposing that the Travel Plan came into effect, but included a revision clause within a certain time limit. There would then need to be clarity on who would be approving the revisions, usually this would be the responsibility of officers.
48. Mr Till's interpretation of what had been said was that Members would seek an amendment to condition 10, which would require a review of the Travel Plan within three years of the commencement of the use of the school. The review would consider the adequacy of the Kiss and Drop facility and explore options for the provision of a Park and Stride facility, in order to account for any shortfall of parking provision for parents/carers. He thought that this was a requirement that could be imposed to the condition without imposing an additional onerous requirement on the applicant.
49. Councillor Doherty remarked that she was happy with the officer's proposal for the amendments to condition 10, however she was not happy with the detail, as she felt that should be left to the school to decide as they were responsible for managing the site and the pupils. The Chairman agreed with Councillor Doherty's view.
50. Councillor Cant sought clarification on what was being proposed. He posited that it appeared that what was being proposed was to do with the future management of the access of parents and children attending the school. He felt that this might not be a planning matter, but might instead be a continuing management review of the way the school was used as a facility. He was baffled that he might be being asked to vote on something that was beyond the Committee's capacity to impose.
51. The Chairman explained that it was part of the application for the Committee to discharge the Travel Plan. He suggested that it was better for the Committee to amend the Travel Plan at this point, rather than Ward Members such as himself, having to beg the school to change its management plans in the future.
52. Councillor Doherty wished to make a point of order. She acknowledged that she was inexperienced in planning meetings, however she queried whether the Chairman was taking part in the debate as the Chairman, or as a Ward member, as his suggestions seemed to be unduly influenced by his role as Ward Member.
53. The Chairman explained that he was picking up on a point raised by Councillor Abbs, and merely wished to move the debate along.
54. Mrs Armour sought to clarify the situation and asked the Chairman to confirm in terms of the debate and decision that he would be in his role as a Member of the Committee, and not as Ward Member. The Chairman confirmed this was correct.
55. Councillor Hooker asked whether the Chairman should abstain. Mrs Armour explained that it was the Chairman's decision whether he felt he had an interest that would prevent him from voting. She agreed that the comment the Chairman had made might have sounded like it was made from a Ward Member point of view, and it was for him to decide whether he had an interest, and if so whether it would bar him from voting. Councillor Hooker remarked the Committee had to ensure that they were transparent in their decision.
56. The Chairman advised that unless he had a personal interest, he represented his Ward and had to think about issues that would arise. He did not see that he should not vote on this item.

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57. Councillor Hilary Cole remarked that in her personal opinion and using her experience as a long-serving member of the committee, she considered that the Chairman had compromised himself with regards to voting on this item. The Chairman advised that he would consider the views of the Committee.
58. Councillor Abbs proposed to accept officer's recommendation and grant planning permission, despite it being retrospective, with the following amendments: officers proposed amendment to condition 10, low level bollard lighting, and amend the date from 2025 to 2024.
59. This was seconded by Councillor Hilary Cole.
60. At the vote the motion was carried.
61. Councillor Hooker and the Chairman abstained.
62. Councillor Hooker explained that the reason he had abstained was the number, extent and timing of retrospective amendments.
63. **RESOLVED** that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### 64. Conditions

1.	<p><b>Approved Plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <ul style="list-style-type: none"><li>• Site Location and Existing Site Plan drawing number PL 002 rev. C;</li><li>• Landscape Proposals General Arrangement drawing number 1967-TF-00-00-DR-L-1001 Rev 13;</li><li>• Proposed Ground Floor drawing number PL004 rev. 1;</li><li>• Roof Plan drawing number 18026-RFT-00-01-DR-A-0202 Rev CR2;</li><li>• Sections drawing number PL007 rev. 1;</li><li>• Elevations drawing number 18026-RFT-00-ZZ-DR-A-0300 Rev CR2;</li><li>• Elevations drawing number 18026-RFT-00-ZZ-DR-A-0301 Rev CR2;</li><li>• Proposed Road Layout Signals drawing number PL011-27599-010 rev. B;</li><li>• Site Sections Plan drawing number 1967-TF-00-00-DR-L-5001 Rev 6;</li><li>• Site Sections Plan drawing number 1967-TF-00-00-DR-L-5002 Rev C02;</li><li>• Tree Retention &amp; Protection Plan drawing number LLD919/04 rev. 04;</li><li>• Boundary Plan drawing number 1967-TF-00-00-DR-L-1003 Rev 04;</li><li>• External Lighting Plan drawing number 180730/001/E08;</li><li>• Hard Landscape and Fencing Plan drawing number 1967-TF-00-00-DR-L-2001 Rev 10;</li><li>• Hard Landscape and Fencing Plan drawing number 1967-TF-00-00-DR-L-2002 Rev 04;</li><li>• Hard Landscape and Fencing Plan drawing number 1967-TF-00-00-DR-L-2003 Rev 02;</li><li>• Foul and Surface water Drainage (Sheet 1 of 3) drawing number 101:1 rev. P3;</li><li>• Foul and Surface water Drainage (Sheet 2 of 3) drawing number 101:2 rev. P1;</li><li>• Foul and Surface water Drainage (Sheet 3 of 3) drawing number 101:3</li></ul>
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	<p>rev. P1;</p> <ul style="list-style-type: none"> <li>• Kiss and drop arrangement drawing number 1967-TF-XX-00-SK-L-20210723-05 received on 26<sup>th</sup> June 2021, the implementation of which is secured by condition 20.</li> </ul> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p><b>Boundary Treatments</b></p> <p>The school hereby approved shall not be bought into use until the boundary treatments, to include external boundaries around the site and internal boundaries within the site, have been erected in accordance with the details shown on drawing numbers 1967-TF-00-00-DR-L-1003 Rev 04, 1967-TF-00-00-DR-L-2001 Rev 10, 1967-TF-00-00-DR-L-2002 Rev 04 and 1967-TF-00-00-DR-L-2003 Rev 02. The boundary treatments shall thereafter be retained in accordance with the approved details.</p> <p>Reason: The boundary treatments are an important element in the design of the scheme. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
3	<p><b>Hardstanding</b></p> <p>The school hereby approved shall not be bought into use until the areas of hard standing have been constructed in accordance with the details shown on drawing numbers 1967-TF-00-00-DR-L-2001 Rev 10, 1967-TF-00-00-DR-L-2002 Rev 04 and 1967-TF-00-00-DR-L-2003 Rev 02. The areas of hard surfacing shall thereafter be retained in accordance with the approved details with the exception of the kiss and drop parking area to be provided by condition 20 which is to be retained in accordance with that condition upon implementation.</p> <p>Reason: The areas of hardstanding are an important element of the design of the scheme. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
4	<p><b>BREEAM</b></p> <p>Evidence confirming that the development achieves a BREEAM Education rating of Very Good shall be submitted to the Local Planning Authority. The evidence required shall be provided in the following formats and at the following times unless otherwise agreed in writing by the Local Planning Authority:</p> <ol style="list-style-type: none"> <li>1) Evidence of Submission to the BRE for a Post Construction Final Certificate shall be provided within 8 weeks of Occupation of the building.</li> <li>2) A copy of the Final Certificate certifying that BREEAM Very Good has been achieved for the development, shall be provided within 12 Months of Occupation of the building.</li> </ol>

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	<p>Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
5	<p><b>External Lighting</b></p> <p>The school hereby approved shall not be brought into use until the external lighting to be used around the school and on the access road has been installed in accordance with drawing number 180730/001/E08. Within 2 years of the school being brought into use the bollard lighting along the access road from Newbury College will be installed in accordance with drawing number D41196(003)/PMU/A (bollard lighting) and datasheet Deco 2.0. No external lighting shall be installed on the building or across the site except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained with the exception of the lighting adjacent to the kiss and drop parking area to be provided by condition 20 upon implementation of that scheme. The re-located lighting columns within the school grounds following the implementation of the new kiss and drop parking arrangement will be thereafter retained.</p> <p>Reason: To have regard to the setting of the development and to protect the amenity of neighbouring occupiers and wildlife. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).</p>
6	<p><b>Contamination</b></p> <p>Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the Local Planning Authority shall be carried out to agreed timescales and approved by the Local Planning Authority in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.</p> <p>Reason: In order to protect the amenities of futures users of the site in accordance with Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the guidance within the National Planning Policy Framework.</p>
7	<p><b>Mechanical Plant</b></p> <p>The school hereby approved shall not be brought into use until the mechanical air handling plant and chillers have been installed in accordance with the following details:</p> <ul style="list-style-type: none"> <li>• Attenuator Drawings dated 3/6/2020;</li> <li>• Hall AHU Summary Fan Data Sheet;</li> <li>• i-Max Chiller Heat Pumps;</li> <li>• Kitchen Extract Summary Fan Data Sheet;</li> </ul>



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	<ul style="list-style-type: none"> <li>• Kitchen Supply AHU Summary Fan Data Sheet;</li> <li>• Maxa i-HP Data Sheet;</li> <li>• Maxa i-HP Performance Tables;</li> <li>• MSY-TP35V Comms Room System data sheet;</li> <li>• MTS001-ASHP-AC data sheet;</li> <li>• Noise Assessment dated 12<sup>th</sup> June 2020;</li> <li>• PLA-ZM50 Cassette IT Suite System;</li> <li>• Roof Plant Layout Plan drawing number LO-Y34-R1-50-01 Rev C1.</li> </ul> <p>Noise resulting from any other plant, machinery or equipment to be installed shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142, at a point one metre external to the nearest noise sensitive premises.</p> <p>Reason : In the interests of the amenities of neighbouring occupiers in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.</p>
8	<p><b>Construction Hours of Work</b></p> <p>No construction works shall take place outside the following hours: 7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and no work shall be carried out on Sundays or Bank Holidays.</p> <p>Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.</p>
9	<p><b>Playing Field Construction</b></p> <p>The school hereby approved shall not be brought into use until the playing field and MUGA within the school site have been provided in accordance with drawing numbers HWC-MAC-DR-L(90)100 Rev C01, HWC-MAC-DR-L(90)101 Rev C01, HWC-MAC-DR-L(90)102 Rev C02, HWC-MAC-DR-L(90)103 Rev C02, HWC-MAC-XX-XX-RP-L1000 and 1967-TF-00-00-DR-L-4001.</p> <p>The playing field and MUGA shall thereafter be provided and maintained in accordance with the approved details.</p> <p>Reason: To ensure the quality of the pitches is satisfactory, in accordance with Policy CS18 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework.</p>
10	<p><b>Travel Plan</b></p> <p>The Travel Plan received on 26th May 2021 shall be implemented as approved on commencement of the use as a school and its provisions shall continue to be implemented until 20th August 2024. Prior to 20th August 2024 a review of that</p>

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	<p>Travel Plan shall be undertaken to assess whether the parking levels for the school are sufficient and shall include an investigation as to whether additional measures are required to be implemented to assist with the movement of traffic such as the provision of a "park and stride" facility. That investigation is to be submitted to and approved in writing by the Local Planning Authority prior to 20th August 2024 and any additional measures identified shall be implemented prior to commencement of the school term in September 2024 and maintained thereafter.</p> <p>Reason: To ensure the efficient function of the site and to promote sustainable forms of transport. This condition is imposed in accordance with the National Planning Policy Framework, 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).</p>
11	<p><b>Cycle and Scooter Parking</b></p> <p>The school shall not be brought into use until the cycle and scooter parking and storage spaces have been provided in the location shown on drawing number 1967-TF-00-00-DR-L-1003 in accordance with drawing numbers SK00714 Rev A and BXMW-SJ-1.02[A] and the spaces shall be retained for this purpose at all times.</p> <p>Reason: To ensure that there is adequate and safe cycle and scooter storage spaces within the site. This condition is imposed in accordance with the National Planning Policy Framework, 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).</p>
12	<p><b>Tree Protection</b></p> <p>Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing number LLD919/04 rev. 04. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.</p> <p>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 National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
13	<p><b>Arboricultural Watching Brief</b></p> <p>The development (including site clearance and any other preparatory works) shall be carried out in accordance with the Arboricultural Supervision 'Watching Brief', dated 12th July 2017 produced by Lizard Landscape Design and Ecology and Supplementary letter reference - LLD1220/KM/14.08.2017.</p> <p>Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in</p>

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	<p>accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
14	<p><b>Tree Retention</b></p> <p>No trees, shrubs or hedges shown as being retained on the Tree Retention &amp; Protection Plan (drawing number LLD919/04 rev. 04) shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that die, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.</p> <p>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 National Planning Policy Framework and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.</p>
15	<p><b>Landscaping</b></p> <p>The Landscaping Scheme shall be implemented in full in accordance with drawing numbers 1967-TF-00-00-DR-L-3002 Rev 05, 1967-TF-00-00-DR-L-1005 Rev 01 and 1967-TF-00-00-DR-L-3001 Rev 04 including the planting of a wildflower mix on the proposed bunds and will be managed and maintained in accordance with the Landscape Management Plan (ref: 1967-TF-00-ZZ-RE-L-8001), with the exception of the landscaping adjacent to the kiss and drop parking area to be provided by condition 20 which is to be managed and maintained in accordance with the Landscape Management Plan (ref: 1967-TF-00-ZZ-RE-L-8001) once that additional kiss and drop parking has been implemented in accordance with condition 20.</p> <p>Reason: To ensure an acceptable landscaping scheme is implemented and managed and maintained in accordance with the objectives of the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
16	<p><b>Construction Management Plan</b></p> <p>The demolition and construction works shall incorporate and be undertaken in accordance with the approved Construction Management Plan and addendum dated February 2018.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006).</p>

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*(The meeting commenced at 6.30 pm and closed at 8.00 pm)*

**CHAIRMAN** .....

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

# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/00596/HOUSE Kintbury	22.06.2021 <sup>1</sup>	“Erection of 6.06m x 2.44m outbuilding in the front garden of Spindlewood (50 High Street, Kintbury) - right side of the garden when looking at the property from the road - to include a storage area, kennel and small home office.”  “Spindlewood” 50 High Street, Kintbury, Hungerford, RG17 9TN  Mr/s Meaney

<sup>1</sup> Extension of time agreed with applicant until 29/09/21

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/00596/HOUSE>

**Recommendation Summary:** To delegate to the **Service Director, Development and Regulation** to **GRANT PLANNING PERMISSION** subject to the conditions

**Ward Member(s):** Councillor James Cole  
Councillor Dennis Benneyworth  
Councillor Claire Rowles

**Reason for Committee Determination:** Member Call-in

**Committee Site Visit:** 16/09/21

## Contact Officer Details

**Name:** Scott Houston  
**Job Title:** Planning Officer  
**Tel No:** 01635 519111  
**Email:** Scott.houston1@westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for: “Erection of 6.06m x 2.44m outbuilding in the front garden of Spindlewood (50 High Street, Kintbury) - on the right side of the garden when looking at the property from the road - this outbuilding is to include a storage area, kennel and small home office.”
- 1.2 Spindlewood is a two storey white rendered house in the Kintbury conservation area. It is unlisted and not a heritage asset (mapping data and historic planning record suggest a construction date of 1958-1962) and of moderate architectural value, with tall 2m+ fences on the south and east boundaries, and a traditional post and rail fence separating it from a small wooded area (Spindle Wood) to the west of the site. The dwelling is set back by from the main road to the north by 10m, sits on a comparatively higher elevation as compared to street. It is bounded at the front by an open-board fence behind well-established mixed species hedging which directly adjoins the highway.
- 1.3 The outbuilding’s dimensions are 6.096m in length, 2.44m in width, 2.06m in height facing the street, and 2.26m at its tallest point.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
04/00886/HOUSE	Two storey side extension. Approved 25.05.2004.	25.05.2004
19/02569/HOUSE	Single storey rear extension, conversion of integral garage and new porch.	17.12.2019

## 3. Procedural Matters

- 3.1 EIA N/A.
- 3.2 Site notice erected 14.05.2021, expired 05.06.2021. A notice was displayed in the Newbury Weekly News on 06.05.2021.
- 3.3 The proposal is under 100 m2 and therefore is not liable to pay CIL.

## 4. Consultation

### **Statutory and non-statutory consultation**

4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Kintbury Parish Council:</b>	Objection – “The proposed outbuilding is not in keeping within the Conservation Area, is visible from the Highway, the colour is too imposing”.
<b>Conservation:</b>	<p>“Unlisted property in the Kintbury Conservation Area (CA), Settlement Boundary and the AONB. No listed buildings nearby.</p> <p>Property subject of a recent approval for a rear extension (application 19/02569/HOUSE refers). See previous comments made for ease of reference.</p> <p>The current application is for an outbuilding in front of the property, measuring some 9.09m by 2.44m in floor area with a sloping roof measuring 2.06m at the rear and 2.26m nearest the High Street.</p> <p>Frontage outbuildings are not typical of the conservation area street scene, on which basis the proposed outbuilding must be considered out of character, but the site is currently well screened by a high hedge, which, if retained, would also screen the outbuilding. On a without prejudice basis, clarification, with measurements, that this will be the case, should at least be ascertained, as without the hedge the outbuilding will certainly be a prominent feature in the conservation area street scene.</p> <p>2<sup>nd</sup> response, regarding Officer's conclusions and clarification of length as 6.096m not 9.09m:</p> <p>“Arguably, the presence and retention of the hedge screening tips the balance in favour of the proposals, so I would not disagree with your conclusions.”</p>
<b>WBC Highways:</b>	No comments to make.
<b>Trees:</b>	<p>Response made after Case Officer sent pictures of hedge:</p> <p>“There seems to be a mixture of species.</p> <p>115337 is a laurel hedge (broadleaf, evergreen)  115325 appears to be the same (Laurel)  115321 is a dwarf conifer I think lawsons cypress of some sort, poss Chamaecyparis thyoides variety? Evergreen  115318 on the rhs is a Hawthorn (broadleaf deciduous) on the LHS is the Laurel (broadleaf evergreen)  115308 is the hawthorn  115303 looks like elm suckers (broadleaf deciduous)  115258 is a hawthorn again (broadleaf deciduous)</p>

	<p>The laurel will provide winter screening as it retains its leaves, however as a hedge there should still be some screening from the other plants in the winter even if the leaves are lost due to the trunks and branches.</p> <p>I would also recommend the following informative: (See informative 5)</p>
<b>Ecology:</b>	No response.
<b>AONB:</b>	No response.
<b>Natural England:</b>	No response.

## ***Public representations***

4.2 No representations have been received.

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS14, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF, July 2021)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- The impact on the character and appearance of the Conservation Area

### ***Principle of development***

6.2 The application site is located within the Kintbury settlement boundary, where the principle in favour of development is established, subject to assessment against the detailed policies, design, impact on the character of the area, neighbouring amenity, and usage, which are discussed below.



## ***Character and appearance, impact on the Conservation Area***

- 6.3 The primary consideration for this application is identified as the proposal's impact on the character and appearance of the area in which it is located, and by extension, the Conservation area it sits within.
- 6.4 The relevant principles of Policy CS19 with relation to this proposal are as follows:
- 6.5 "In order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to:
- a) The sensitivity of the area to change.
  - b) Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
  - c) The conservation and, where appropriate, enhancement of heritage assets and their settings."
- 6.6 It has been identified in this instance that the proposal does not effect a heritage asset in the singular sense, as this dwelling is not listed nor noted in the Historic Environment Record. This is supported by comments of the Conservation Officer: "Unlisted property in the Kintbury Conservation Area (CA), Settlement Boundary and the AONB. No listed buildings nearby."
- 6.7 The main consideration in this instance is therefore how the proposal relates to and impacts upon the character of the conservation area it sits within. There is a need to ensure that development does not create negative impacts on the significance and established character and appearance of the locality or set a precedent for further developments of a similar nature which would cumulatively have an unacceptable impact.
- 6.8 The conservation officer raised the following concerns prior to the initial site visit: "Frontage outbuildings are not typical of the conservation area street scene, on which basis the proposed outbuilding must be considered out of character, but the site is currently well screened by a high hedge, which, if retained, would also screen the outbuilding. On a without prejudice basis, clarification, with measurements, that this will be the case, should at least be ascertained, as without the hedge the outbuilding will certainly be a prominent feature in the conservation area street scene".
- 6.9 In general terms the proposal is deemed to be out of character with the form of development in this locality which is free of large outbuildings between the fronts of houses and the street. However, the particular circumstances and characteristics of the site also need to be considered as well as whether or not if this form development would have a similar impact if replicated elsewhere. Due to the history of the site, the dwelling is well set back from the street as compared to many of its neighbours. The particular constraints of this site are such that insufficient space exists between the side of the dwelling and the boundary for an outbuilding of this size and also placement in the rear garden would lead to an unacceptable loss in this dwelling's rear garden amenity space. This leaves a location to the front of the property as the most viable option in terms of siting of a building of this size. The raised ground level of this site together with the presence of the enclosing fence and tall, well-established hedge on the road frontage means that the front garden of Spindlewood is far more enclosed and difficult to view

from the nearby vantage points than those of its neighbouring properties to the east and north sides of the road.

- 6.10 Given the above officers take the view that this form of development would not be supported elsewhere in the immediate vicinity due to the openness of other front gardens to east of the application site and their closer proximity to the highway and their lack of the particular site specific features that will largely mitigate the visual impact of what is being proposed at Spindlewood.
- 6.11 Therefore, whilst the proposal is accepted as being out of character with the existing form of development in the immediate vicinity, it is not considered that it would set a new precedent for the conservation area due to the specific relationship of the dwelling and its front garden to the street which sets it apart from neighbouring properties.
- 6.12 The remaining consideration is therefore whether the proposal itself would cause harm from the structure's direct impact.
- 6.13 As existing, and as is proposed to continue, the outbuilding is screened from the street by a horizontal open-slat fence behind a mature mixed species hedge, which effectively screens the proposal from public vantage points and most nearby dwellings. The tree officer advised that this hedging is a mix of deciduous and evergreen planting, and that it would provide significant screening at all times of the year, though somewhat more in summer.
- 6.14 The proposed outbuilding sits on a higher elevation than the street, such that the effect is that it is largely removed from the street scene. The main public views of the dwelling are through the driveway, which would not be altered by this proposal.
- 6.15 On balance, on the basis of the single storey nature of the proposal, its height alongside the street being 2.06m which is lower than the existing hedge, and the likely probability of the mature hedge and fence behind it being retained, it is considered that the proposal will not be prominent in the street scene, and will not result in sufficient harm to the wider character and appearance of the conservation area to warrant refusal of the application.
- 6.16 The conservation officer confirmed: "the presence and retention of the hedge screening tips the balance in favour of the proposals, so I would not disagree with your conclusions."
- 6.17 An informative was recommended by the tree officer trees to ensure the protection of the hedge during development.

### ***Usage***

- 6.18 The proposed usage is as a store, kennel, and home office. These usages are considered incidental to the enjoyment of the dwelling and the proposal would be conditioned accordingly.

### ***Neighbouring amenity***

- 6.19 Neighbouring amenity has not been judged as a significant consideration for this application. This is because the proposal is single storey building of an incidental usage, located in the front of the site, and does not sit adjacent to any neighbouring dwellings, and resultantly has not raised any particular concerns with regard to overshadowing, loss of daylight, overlooking or possible noise and disturbance from its use.

6.20 No representations were received from neighbours raising concerns regarding loss of amenity.

## 7. Planning Balance and Conclusion

7.1 Whilst the proposal is not in keeping with the existing character and appearance of the conservation area, the specific circumstances and history of the site and scale of the proposal dictate its positioning at the front of the site. Due to the particular physical circumstances that apply to the application site, which are not replicated in other nearby properties, it is not considered that granting planning permission for the proposed development would set a precedent that could not be successfully resisted elsewhere in the immediate locality because the negative visual impact of such proposals would be much more obvious and therefore easier to demonstrate clear grounds for refusal. It seems likely is that the existing screening afforded by the fence and mature hedge will be ongoing and therefore the overall harm caused by the proposal has been assessed as being insufficient to justify refusal of the application.

7.2 On balance it is concluded that the proposal accords with the requirements of Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-26) and it is recommended that planning permission be granted subject to the conditions set out below..

## 8. Full Recommendation

8.1 To delegate to the **Service Director, Development and Regulation** to GRANT PLANNING PERMISSION subject to the conditions listed below.

### Conditions

1.	<b>Commencement of development</b>  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.	<b>Approved plans</b>  The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:  [To be confirmed on Update Report]  Reason: For the avoidance of doubt and in the interest of proper planning.
3.	<b>Materials (as specified / to match)</b>  The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.  Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core

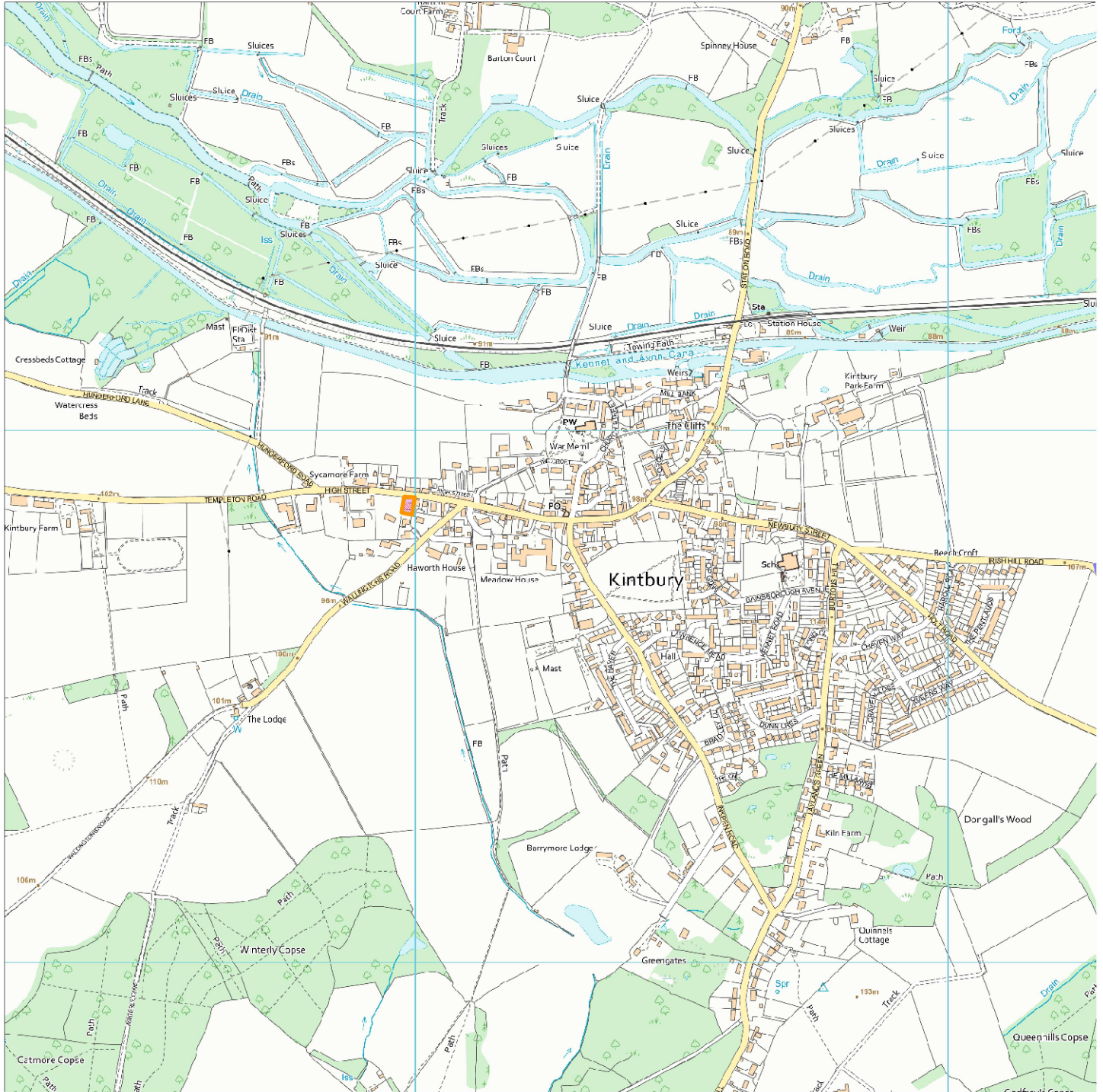
	Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).
4.	<p><b>Incidental use</b></p> <p>The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes incidental to the residential use of the dwelling known as Spindlewood, 50 High Street, Kintbury.</p> <p>Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development, and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.</p>

## **Informatives**

1.	<p><b>Objections/Support received</b></p> <p>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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p><b>Compliance with approved drawings</b></p> <p>Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.</p>
3.	<p><b>Compliance with conditions</b></p> <p>Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.</p>
4	<p><b>Building Regulations</b></p> <p>Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham</p>

	Borough Council) before works commence. Call: 0118 974 6239, email: <a href="mailto:building.control@wokingham.gov.uk">building.control@wokingham.gov.uk</a> , or visit: <a href="http://www.wokingham.gov.uk/building-control">www.wokingham.gov.uk/building-control</a>
5.	<p><b>Hedge Protection Informative</b></p> <ul style="list-style-type: none"> <li>• To ensure that the hedge, which is to be retained, is protected from damage, ensure that all works occur in a direction away from the hedge.</li> <li>• In addition that no materials are stored within close proximity i.e. underneath the canopy of hedge to be retained.</li> <li>• Ensure that all mixing of materials that could be harmful to hedge roots is done well away from hedge (outside the canopy drip line) and downhill of the hedge if on a slope, to avoid contamination of the soil.</li> <li>• 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.</li> <li>• If this is not possible due to working room / access requirements The ground under the hedges' 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 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</li> <li>• 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.</li> <li>• 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.</li> </ul>

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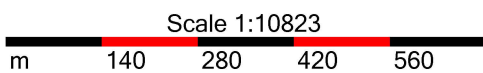
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	09 September 2021
<b>SLA Number</b>	0100024151



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