

# **WESTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 31 AUGUST 2022**

**Councillors Present:** Clive Hooker (Chairman), Adrian Abbs, Phil Barnett, Jeff Beck, Dennis Benneyworth, Jeff Cant, Carolyn Culver, Martha Vickers, and Howard Woollaston

**Also Present:** Sharon Armour (Solicitor), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Patrick Haran (Senior Planning Officer), Simon Till (Development Control Team Leader), and Jack Karimi (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Tony Vickers and Councillor Claire Rowles

### **PART I**

#### **12. Minutes**

The Minutes of the meeting held on 20 July 2022 were approved as a true and correct record and signed by the Chairman.

#### **13. Declarations of Interest**

Councillor Adrian Abbs declared that he was the Ward Member for Agenda Item 4(1).

Councillor Jeff Cant declared that he was the Ward Member for Agenda Item 4(2).

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

Mr Paul Goddard declared an interest in Agenda Item 4(1), as he knew the applicant on a professional level, but reported that the application had no highways implications and he would not be required to speak on the matter.

Ms Sharon Armour declared an interest in Agenda Item 4(1), as she knew the applicant on a professional level, but reported that she would remain impartial during the course of consideration of the matter.

Mr Simon Till declared an interest in Agenda Item 4(1), as he knew the applicant on both a personal and professional level, and reported that he would be leaving the meeting during the course of consideration of the matter.

#### **14. Schedule of Planning Applications**

##### **(1) Application No. and Parish: 22/01556/HOUSE, 11 Valley Road, Newbury**

*(Councillor Adrian Abbs declared that he was the Ward Member for Agenda Item 4(1).*

*(Councillors Phil Barnett and Jeff Beck declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways 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.)*

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*(Mr Paul Goddard declared an interest in Agenda Item 4(1), as he knew the applicant on a professional level, but reported that the application had no highways implications and he would not be required to speak on the matter.)*

*(Ms Sharon Armour declared an interest in Agenda Item 4(1), as she knew the applicant on a professional level, but reported that she would remain impartial during the course of consideration of the matter.)*

*(Mr Simon Till declared an interest in Agenda Item 4(1), as he knew the applicant on both a personal and professional level, and reported that he would be leaving the meeting during the course of consideration of the matter.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/01556/HOUSE in respect of 11 Valley Road, Newbury.
2. Mr Patrick Haran, 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 proposal was considered acceptable in planning terms, and officers recommended that the Service Director of Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main report.
3. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, addressed the Committee on this application.

### **Town Council Representation**

4. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
  - Newbury Town Council did not have any objection to the application, but Mr Foot would be willing to answer any questions.

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

5. Members did not have any questions of clarification.

### **Ward Member Representation**

6. Councillor Adrian Abbs in addressing the Committee raised the following points:
  - Councillor Abbs stated that the application was in a beautiful area, and the proposed extension would enhance family life. He was keen to encourage and support this type of application.
  - Councillor Abbs stated that there was minimal reason to oppose the application, and that it was only before the Committee in the interest of due diligence.

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

7. Members did not have any questions of clarification.

### **Member Questions to Officers**

8. Members did not have any questions of clarification.

### **Debate**

9. Councillor Adrian Abbs opened the debate by stating that there are no signs of objection by neighbouring residents, and no need for additional conditions.
10. Councillor Jeff Cant stated that he appreciated the need for due diligence, but it was a modest extension, and would have been approved but for the fact that the applicant was an employee.

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11. Councillor Phil Barnett stated that the proposed extension was modest and did not impact the street scene.
12. Councillor Jeff Beck noted that there were no hours of work specified on the application, and requested that that be added to the conditions.
13. Councillor Dennis Benneyworth noted the lack of objections and stated that he would support the application.
14. Councillor Adrian Abbs proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the report. This was seconded by Councillor Phil Barnett.
15. Mr Patrick Haran and Mrs Sian Cutts responded to the proposed hours of work condition, stating that there was a standard requirement for hours of work which were 7:30 AM to 6:00 PM Monday to Friday, 8:30 AM to 1:00 PM on Saturday, and no work on Sundays or Bank Holidays, and that that could be added. Councillors Abbs and Barnett, as the proposer and seconder, accepted the proposed condition.
16. The Chairman invited Members of the Committee to vote on the proposal by Councillor Adrian Abbs, seconded by Councillor Phil Barnett to grant planning permission. At the vote the motion was unanimously carried.

**RESOLVED** that the Service Director for Development and Regulation be authorised to grant planning permission subject to the following conditions:

### Conditions

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2.	<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> <p>LOCATION PLAN BLOCK PLAN DRWG 000863/01 EXISTING PLANS AND ELEVATIONS DRWG 000863/02C PROPOSED PLANS AND ELEVATIONS (all received 28/06/2022)</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Working Hours</b></p> <p>No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; 8:30am to 1:00pm Saturdays; No work shall be carried out at any time on Sundays or Bank Holidays.</p> <p>Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.</p>

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### Informatives

1.	Proactive
2.	Party Wall Act
3.	Works within red line site ownership

### (2) **Application No. and Parish: 22/01643/TELE56, Junction of Stoney Lane and Turnpike Road, Newbury**

*(Councillor Jeff Cant declared that he was the Ward Member for Agenda Item 4(2).)*

*(Councillors Phil Barnett and Jeff Beck declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were Members of Newbury Town Council and its Planning and Highways 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.)*

17. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/01643/TELE56 in respect of the junction of Stoney Lane and Turnpike Road, Newbury.
18. Mrs Sian Cutts, 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 proposal was acceptable in planning terms, and officers recommended that the Service Director of Development and Regulation be authorised to approve the siting and appearance, subject to the conditions outlined in the main report.
19. The Chairman asked Mr Paul Goddard, Team Leader (Highways Development Control), if he had any observations relating to the application. Mr Goddard stated that the proposal was on a public highway, and was not unusual. The proposal would be placed on a footway on a corner, and so would not restrict pedestrian thoroughfare. The proposal would not obstruct any sight lines around the junction. Therefore, Highways had no objection.
20. In accordance with the Council's Constitution, Mr Nigel Foot, Newbury Town Council, and Mr John Softley, objector, addressed the Committee on this application.

### **Town Council Representation**

21. Mr Nigel Foot, Newbury Town Council, in addressing the Committee raised the following points:
  - Mr Foot noted that Mr Gary Norman was present at the site visit but was unable to attend the meeting.
  - Mr Foot stated that the application came before Newbury Town Council, which determined that it required a full application as it did not comply with the Code of Practice for wireless network development, or the National Planning Policy Framework (NPPF). The Council also determined that a green colour would be more appropriate.
  - Mr Foot stated that the applicant had not engaged in consultation with local planning authorities, residents and stakeholders to a satisfactory degree. Newbury Town Council's request for a presentation explaining the choice of siting was not responded to.
  - A joint press statement from the Department for Digital, Culture, Media and Sport, and the Department for Levelling Up, Housing and Communities stated that the

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applicant must have permission from the land owner and the approval of local planning authorities for the development of 5G masts.

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

22. Members did not have any questions of clarification.

### **Objector Representation**

23. Mr John Softley in addressing the Committee raised the following points:

- Mr Softley lived at 6 Turnpike Road, which was directly opposite the proposed development, and was not on principle opposed to development, and used the technology himself. However, he believed that the application should be subject to the full planning application process and comply with the Code of Practice.
- Mr Softley cited the NPPF, which stated that new mobile infrastructure must be sympathetically designed and camouflaged, reduce visual impact, and alternative methods should be considered. Mr Softley stated that the applicant had not abided by these requirements.
- Mr Softley noted that the diagram provided by the applicant only showed the mobile mast from one angle, and the visual impact would be greater from other impacts, such as that from outside 6 Turnpike Road.
- Mr Softley noted that the local planning authority had the right to set additional conditions, and raise concerns with the applicant about the proposed development.
- Mr Softley stated that he had a long-term stake in the area, and asked what the Council had done to protect the interests of local residents, and held the applicant to account within the prior approval process.
- The owner of 2 Stoney Lane had raised concerns that they held the ownership of the land, which had been raised at the site visit.

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

24. Councillor Adrian Abbs asked whether Mr Softley could suggest an alternative location. Mr Softley responded that there was another site which would affect fewer residential areas, and other sites near to fields.
25. Councillor Abbs asked what the main issues were that the Council should take account of. Mr Softley cited the colour, stating that the mast and cabinet should be green; and proposed that low-level slatted fencing be placed around the development.
26. The Chairman noted that questions were asked about 2 Stoney Lane and it had been concluded that the Council was the owner of the land.

### **Ward Member Representation**

27. Councillor Jeff Beck in addressing the Committee raised the following points:

- Councillor Beck stated that he was opposed to approval of the siting and appearance, noting that the application allowed the applicant to add further equipment to the mast and cabinet at a later date.
- Councillor Beck noted that the possibility of alternating noise levels should be considered.
- He was concerned with regard to the impact of the proposal on local residents.

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- Councillor Beck noted that there are two industrial estates nearby which should be investigated for more suitable locations, and the application should not be approved until that has been done.

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

28. Members did not have any questions of clarification.

### **Member Questions to Officers**

29. Councillor Abbs asked whether a letter to the applicant expressing the Committee's disappointment that they had not made any representations to the meeting could be issued. Mr Simon Till responded that officers could send a letter on behalf of Members of the Committee.
30. Councillor Abbs asked where the other masts were located, noting that he was being asked to assess the viability of the application in isolation. Mrs Sian Cutts responded that she did not have a map, but that the proposed development did have to be considered individually. The NPPF stated that local planning authorities should not question the particular need for a mast. Councillor Abbs noted that the Committee was being asked to consider a specific location, and could not do that without context. Mr Simon Till responded that 'siting' was a confusing term and that the need for the mast was a separate and distinct issue, and that coverage was not a relevant concern for the Committee. Councillor Abbs responded that he was not questioning the coverage, but the amenity. Mr Till responded that visual amenity and appearance were relevant planning considerations, but it would be difficult for the Council to argue that overshadowing was a significant concern.
31. Councillor Jeff Cant noted that the issue had been clarified, and asked whether the Committee could decide that a location was wrong.
32. Councillor Cant asked whether the Code of Practice was within the purview of the Committee. Mr Till responded that the Code of Practice was an issue for the network carriers, and not a material planning consideration.
33. Councillor Carolyn Culver asked whether the application was for prior approval due to the existing masts. Mrs Cutts responded that mobile phone masts up to 20 metres in height had a permitted development right, on the condition they applied to the planning authority for approval of siting and appearance. Siting and appearance was the issue before the Committee.
34. Councillor Culver asked whether the mast's colour was an acceptable condition. Mrs Cutts responded that it was within the remit of the Committee to set this as a condition.
35. Councillor Phil Barnett asked whether restriction of use of the road would be necessary. Mr Paul Goddard responded that it would be installed under licence, and managed by the Council's Street Works team in order to reduce disturbance.
36. Councillor Abbs asked what rights the telecoms operator had to choose the location of the mast. Mrs Cutts responded that they required the permission of the land owner, which was a separate issue to the application. Councillor Abbs asked whether the Council could refuse permission as a land owner. Mr Till responded that that was not an issue before the Committee, and land ownership was separate from planning considerations.
37. Councillor Howard Woollaston stated that it was his understanding that the Committee's role was to mitigate the impact, and asked whether fencing could be set as a condition. Mr Goddard responded that fencing would increase the overall

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surface area of the development, and this could restrict the pedestrian thoroughfare. Mrs Cutts responded that the fencing would itself require planning permission, and was therefore beyond the remit of the Committee to determine appearance.

38. Councillor Dennis Benneyworth asked whether the Committee could set a gradient or colour scheme as a condition. Mrs Cutts responded that she was unfamiliar with that, but felt that it was an acceptable condition.
39. Councillor Culver asked when information regarding the location of 5G masts would be available to Members. Mr Till responded that he did not have information regarding the 5G mast project.

### **Debate**

40. Councillor Adrian Abbs opened the debate by stating that he was disappointed by the applicant not making a representation to the Committee, and that he was confused as to what the Committee was being asked to render a decision on. Councillor Abbs did not believe that the mast was in an optimal location. Councillor Abbs supported the idea of a colour gradient on the mast being set as a condition.
41. Councillor Howard Woollaston asked that a screen or fencing be investigated by the Council.
42. Councillor Carolyne Culver concurred with Councillor Abbs' comment on the applicant not appearing before the Committee, and noted that communication was an issue throughout. Councillor Culver stated that the Committee should have more information on which to make decisions. Councillor Culver proposed that a condition on Environmental Health be added to the application.
43. Councillor Phil Barnett stated that he had always been against masts, and that he was concerned with the potential for more objections to proposed masts despite the limited power of the Committee to act. Councillor Barnett stated that he was against the application.
44. Councillor Jeff Cant stated that he was sceptical of the power the Committee had to act, but expressed his concern with the power of large corporations and his intention to abstain on principle.
45. Councillor Abbs requested clarity on what the decision the Committee was being asked to make. Mr Simon Till stated that the matters before the Committee were the siting and the appearance of the application. The decision was whether prior approval should be declined on those grounds, requiring the applicant to make a full planning application. Councillor Abbs responded that he intended to object on the grounds of the siting and appearance.
46. The Chairman noted that there was not a wide range of locations where the mast could be. Councillor Abbs agreed, but stated that his objection was on appearance. Councillor Cant expressed scepticism that an objection could be made purely on the colour, stating that an alternative colour could be set as a condition.
47. Councillor Adrian Abbs proposed to reject Officer's recommendation and refuse prior approval. The proposal did not receive a seconder.
48. Councillor Howard Woollaston proposed to accept the Officer's recommendation and approve the siting and appearance, subject to the conditions outlined in the main report. Councillor Dennis Benneyworth seconded the proposal.
49. A number of additional conditions were accepted by the proposer and seconder. The colour would be changed based on an informative with Town Council input, and

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future consideration be given to screening. Mr Till noted that setting a condition relating to noise would not be valid as it concerned neither siting nor appearance.

50. Councillors Woollaston and Benneyworth, as proposer and seconder, additionally requested that the Council issue a letter to the applicant expressing the Committee's disappointment that they did not appear before the meeting. Councillor Benneyworth stated that he believed the applicant showed a level of contempt for the process by not appearing before the Committee.
51. Councillor Beck raised his discontent with the lack of a noise condition, stating that its inclusion would not cause any additional harm to the process. Mr Till responded that the legislation did not allow for such a condition as it did not relate to the siting or appearance.
52. The Chairman invited Members of the Committee to vote on the proposal by Councillor Howard Woollaston, seconded by Councillor Dennis Benneyworth, to approve the siting and appearance. At the vote the motion was rejected. Councillors Benneyworth, Hooker, and Woollaston voted for. Councillors Abbs, Barnett, Beck, Culver, and Vickers voted against. Councillor Cant abstained.
53. Councillor Adrian Abbs proposed to reject Officer's recommendation and refuse prior approval for the reason that the siting and appearance were unsatisfactory, as the location and the lack of camouflaging reduced visual amenity. Councillor Martha Vickers seconded the proposal.
54. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Martha Vickers, to refuse prior approval. At the vote the motion was carried. Councillors Abbs, Barnett, Beck, Culver, and Vickers voted for. Councillors Benneyworth, Hooker, and Woollaston voted against. Councillor Cant abstained.

**RESOLVED** that the Service Director for Development and Regulation be authorised to refuse prior approval, for the following reasons:

### **Reasons**

The application site is in a prominent position on the junction between Turnpike Road and Stoney Lane, within a primarily residential area. Policies CS14 and CS19 of the Core Strategy seek high quality development that must respect and enhance the character of the area with particular regard to ensuring that new development is appropriate in terms of location, scale and design in the existing settlement form, pattern and character.

The proposed 15 metre high monopole mast and cabinets will be visually prominent features in the street scene, which will be particularly intrusive when viewed from the west and south west directions, this is due to the incongruous appearance of the mast and cabinets which would be intrusive in the residential street scene. The intrusion would not be sympathetic or well camouflaged, and of an inappropriate colour, therefore harmful to the appearance of the area.

Both the siting and appearance of the telecommunications development are considered to be materially harmful to the street scene particularly from the west and south west along Turnpike Road. The proposed development is therefore contrary to Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026) and paragraph 115 in the National Planning Policy Framework (2021).



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**(3) Application No. and Parish: 21/03083/COMIND, Land Adjacent to M4, Membury Airfield, Hungerford**

Agenda Item 4(3) was deferred to a future meeting of the Committee post publication of the Agenda.

*(The meeting commenced at 6.30 pm and closed at 8.20 pm)*

**CHAIRMAN** .....

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