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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 AUGUST 2014

Councillors Present: David Allen, Pamela Bale, Jeff Beck (Substitute) (In place of Hilary Cole), Paul Bryant, Alan Law, Royce Longton, Alan Macro, Tim Metcalfe (Substitute) (In place of Garth Simpson), Graham Pask and Quentin Webb (Vice-Chairman)

Also Present: Derek Carnegie (Team Leader - Development Control), Isabel Johnson (Senior Planning Officer) and Liz Patient (Solicitor), Charlene Myers (Democratic Services Officer)

Apologies: Councillor Brian Bedwell, Councillor Hilary Cole, Councillor Garth Simpson and Councillor Virginia von Celsing

PART I

4. Minutes

The Minutes of the meeting held on 18 September 2013 and 15 May 2014 were approved as a true and correct record and signed by the Chairman.

5. Declarations of Interest

There were no declarations of interest received.

6. Schedule of Planning Applications

6(1) Application No. & Parish: 14/01145/COMIND - Cobbs Farm Shop, Bath Road, Hungerford

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 14/01145/COMIND in respect of alternations and extensions to provide soft play space and additional ancillary kitchen, food preparation and storage space.

In response to questions asked by the Committee Derek Carnegie advised the following:

- It would be difficult to restrict use of the soft play area to Cobbs Farm customers only. A condition within the application specified that the soft play area was an ancillary element of the business and therefore, if required, officers could review usage and subsequently request additional permissions if necessary.
- The appropriate condition outlining appropriate usage of the soft play area was missing from the report, the report would be updated accordingly.
- The office space would be relocated within the current footprint of the building, on the ground floor.

In accordance with the Council's Constitution, Councillor Martin Crane, Parish Council representative, Mr Tom Newey, applicant, addressed the Committee on this application.

Councillor Crane in addressing the Committee raised the following points:

- Previous applications for a separate soft play building were not supported by the Parish Council. The revised plan were supported and sought to deliver a facility within the footprint of the existing building to meet a local demand.

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- He was the Chairman of the Hungerford Tourism and Economy Group
- The business was popular amongst local residents and the Parish Council would be equally supportive if an application had been submitted for a similar scheme in Hungerford Town Centre.
- The proposed development was set within a sustainable site and delivered a need for local residents and visitors to Hungerford, in turn promoting Hungerford in terms of tourism and local economy.
- The application received one objection from the Planning Policy Task Group which was unfounded, therefore the Committee should be minded to approve the application.

In response to questions asked by the Committee Mr Crane stated that he fully supported the proposal for a soft play area as an ancillary business; it would address a demand for recreational activities for younger families and enhance tourism in Hungerford.

Whilst the Parish Council supported the application, they requested that the item was called to Committee due to spurious traffic management details along the A4.

Mr Newey in addressing the Committee raised the following points:

- The application had been considered by Planning Officer's and recommended for approval, the single reason the item had been referred was the comments raised by the Planning Policy Task Group.
- The North Wessex Downs Area of Outstanding Natural Beauty (NWD AONB) made no objection to the application.
- Sequential testing was not relevant in the case of this application. The National Planning Policy Framework (NPPF) stated that sequential testing should not be applied to small scale rural offices or other small scale rural developments (default threshold of 2500 sq m).
- The soft play area sought to reuse current poorly utilised space.
- The proposal would provide a facility for local residents who currently travelled elsewhere. The site was set in a sustainable location, accessible by car, bus, cycling or walking.
- The plans had been created with engagement from the Parish Council to ensure the facility would become an asset to the local area and attract visitors from further afield.
- The application was made in direct response to a local need.
- The soft play area was designed to provide an educational facility as well as fun play and supported the ethos of the business, encouraging children to learn about the source of local food.
- He had worked closely with planning officers to address issues within the application which had been time consuming and financially challenging, he sought the Committee's approval to proceed.

Councillor Bale asked Mr Newey to explain the reference to OPA within the report. Mr Newey advised that the site was positioned adjacent to two oil pipelines, managed by The Oil and Pipelines Agency (OPA) which restricted the outwards development of Cobbs Farm. Mr Newey explained that he engaged with the OPA throughout the development of previous applications and no objections had been raised.

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In response to questions asked Mr Newey advised that a bore hole was located on the site in response to concerns raised by The Royal Fire and Rescue Service (RBFRS) regarding water extractions points.

He advised that the soft play facility would be developed and delivered with the support from a specialised provider. He explained that the facility was predominately for customer use only, it would be difficult to implement restrictions. Mr Newey advised that access to the soft play area would be chargeable in order to cover costs associated with staffing and maintaining the facility.

Councillor Alan Macro asked Mr Newey to expand on the lighting arrangements on site. Mr Newey advised that the application included conditions regarding suitable lighting, currently the site used security lighting outside business hours.

Mr Newey advised that he would be happy to submit samples of the solar panels used for the development in advance.

Councillor Paul Hewer, speaking as Ward Member, in addressing the Committee raised the following points:

- He concurred with the points raised by the Parish Council and applicant respectively.
- He acknowledged the issues and sensitivities associated with the development of a Marina opposite Cobbs Farm and highlighted that no objections had been recorded in that instance.
- The current application addressed previous concerns and the majority of consultees supported the application.
- The application was recommended for approval at the recent Western Area Planning Meeting and he continued to support the application.

Councillor Alan Law asked Planning Officers to explain why the Committee was required to consider the application when it was apparent that the Western Area planning Committee approved the proposal.

He insisted that the District Planning Committee was required to consider items in the case where there had been a discrepancy between Officer's and Planning Committee.

Councillor Law proposed that the application was approved, following the inclusion of an appropriate condition to monitor ancillary usage. The proposal was seconded by Councillor Richard Crumley.

Councillor Graham Pask supported the business plan, emphasising that Cobbs Farm had prospered during financially challenging times and sought to develop their business further. The objection raised by the Planning Policy Task was not applicable in this case, he therefore supported the application.

Councillor Macro stated that he was mindful of the concerns raised about sustainability due to the distance from Hungerford Town Centre, however, he considered that the facility would be an attraction and accessible none the less.

In response to concerns raised regarding outside lighting, Derek Carnegie advised that the current hours of use would not change and that Officer's would continue to monitor appropriate use.

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

Conditions

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1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with drawing title numbers P/B01A, L/001B, P/S02A, P/004G, P/001H, P/002K, P/003K, P/S01G dated 27/05/14.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

3. The new soft play area as approved shall be used only in conjunction with the main permitted use of the site known as Cobbs farm Shop and for ancillary purposes incidental to the use of the holding. The soft play facilities shall not be used as a separate commercial enterprise, sold/leased/rented and shall maintain the same opening hours as the main shop use.

Reason: The creation of a separate enterprise operating from the premises would be inappropriate for the site, and would be detrimental to the amenities of the area.. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

4. The new soft play facilities located within the building known as Cobbs Farm Shop within the red line area of this application shall remain as an ancillary soft play facility only and for no other purposes including any other Class within the Schedule of the Town and Country Planning (Use Classes) Order 2005 (as amended) or any subsequent amendment to this Order. No part of the soft play area shall be used as separate B8 use or B1 office use, sold/leased/rented or used as a separate unit or commercial business, other than in association with the Cobbs Farm shop business operating from the site and no separate curtilage shall be created.

Reason: Any other use may not be acceptable on the site and to ensure that the use of the whole site does not give rise to an intensification of external traffic entering the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies ADPP1, ADPP5, CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

5. No development shall commence on site until samples/schedule of the external materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

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6. No solar panels shall be erected on site until samples/schedule of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of panels, fittings and specifications. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

7. No development shall commence on site until a scheme confirming any upgrade for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No new part of the development shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

8. The new use shall not commence until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

9. No new development shall be occupied until details of a scheme of any additional external lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of safety and visual . This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13, ADPP5 and CS19 of the West Berkshire Core Strategy (2006-2026).

10. No development shall take place until full details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

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11. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

12. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

13. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy

(The meeting commenced at 6.30pm and closed at 7.15pm)

CHAIRMAN
Date of Signature