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

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 18 OCTOBER 2017

Councillors Present: Peter Argyle, Pamela Bale, Keith Chopping, Richard Crumly, Marigold Jaques, Tony Linden (Substitute) (In place of Graham Bridgman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Richard Somner, Quentin Webb (Substitute) (In place of Alan Law) and Emma Webster

Also Present: Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Gareth Dowding (Senior Engineer), David Pearson (Development Control Team Leader) and Cheryl Willett (Senior Planning Officer)

Apologies for inability to attend the meeting: Councillor Graham Bridgman and Councillor Alan Law

PART I

25. Minutes

The Minutes of the meeting held on 16th August 2017 were approved as a true and correct record and signed by the Chairman subject to the following amendment:

Item 20 (1) Application 17/00968/FULD:

Page 11, first paragraph to read as follows: (Councillor Alan Macro) Therefore, he was keen to see that Permitted Development Rights were **removed** on both the south and east side of the new development.

26. Declarations of Interest

Councillors Keith Chopping and Quentin Webb declared an interest in Agenda Item 4(1), and 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 Graham Pask, Marigold Jaques, Quentin Webb and Emma Webster declared an interest in Agenda Item 4(2), and 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.

27. Schedule of Planning Applications

(1) Application No. & Parish: 17/02012/FULD - Green Gables, Tidmarsh Lane, Tidmarsh, Reading

(Councillor Keith Chopping declared a personal interest in Agenda Item 4(1) by virtue of the fact that a supporter, Mrs Hornblow, was known to him . 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 Quentin Webb declared a personal interest in Agenda Item 4(1) by virtue of the fact that he had used P and R Motors, which was owned by the applicant. 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.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/02012/FULD in respect of the erection of a replacement dwelling and 4no. Dwellings and associated works; demolition of Class B buildings and extinguishment of lawful plant storage and distribution operations; removal of hard standing.

In accordance with the Council's Constitution, Mrs Deirdre Cuthbert and Mrs Hornblow, supporters and Mr Mark Leedale, agent, addressed the Committee on this application

Mrs Deirdre Cuthbert and Mrs Hornblow in addressing the Committee raised the following points:

- Mrs Cuthbert explained that Maidenhatch was a residential area near to the site location and was home to 23 families.
- Since early on in the millennium, residents had fought to oppose industrial use of the site. HGVs and plant vehicles used the site and they caused traffic chaos in the area.
- Local residents of Maidenhatch were keen to see current structures replaced by suitable housing which would be more in keeping with the area.
- 12 cars were already parked within the garage of the house on the site. Therefore if there were two to three cars for each of the five dwellings proposed, there would be little difference in traffic movements. There would however, be no HGV movements from the site if the application was approved.
- Local residents fully supported the scaled down proposal for the site, which would retain the local distinctiveness.
- Pangbourne and Tidmarsh needed more housing and this did not necessarily need to fall into the affordable homes category.
- In summary Mrs Cuthbert compared the application to the current site:
    - Highways: there would be the same amount of cars entering and exiting the site however, there would be no HGV movements.
    - Noise levels: the noise level from five houses would not be as high as that generated from HGVs. Noise was often encountered during the early hours of the morning.
    - Odour: the unpleasant odour from the cleaning of site portaloos and those being transported to and from the site would be resolved if the application was approved.
    - Appearance: the proposal was aesthetically pleasing compared to the current appearance of the site.
- Residents were concerned that if the application was not approved then the site would be sold with industrial usage rights.
- Mrs Hornblow described a scenario to Members of the Committee. She described problems relating to noise and vehicle movements emanating from the site and non-planning related issues regarding alleged anti –social behaviour by users of the site.
- Mrs Hornblow stated that these problems would continue coninue if the site continued to be used for plant haulage.
- Mrs Hornblow stated that she had supported the application considered by the Committee in December 2016, which had subsequently been refused permission.

Councillor Alan Macro asked Mrs Cuthbert and Mrs Hornblow if they had ever reported the noise levels to the Council's Environmental Health Services. Mrs Cuthbert responded that they had chosen not to report the issue as they felt the complaint would not acted upon.

Mr Mark Leedale in addressing the Committee raised the following points:

- Planning Officers had undertaken an appraisal of the site and were recommending the application was refused.
- Mr Leedale felt that the Planning Officer's report was thorough.
- Mr Leedale stated that his difficulties with the report regarded the impacts summarised under the issues for consideration, particularly the impact it would have on the Area of Outstanding Natural Beauty (AONB).
- The plant operations taking place on the site were referred to within the report as 'low key' however, Mr Leedale did not feel that this was the case.
- Not enough account had been taken of the lawful use of the site and its negative impact on the surrounding area and AONB.
- Not enough weight had been given to planning policies and government statements on the need to provide more houses.
- The report also referred to 'planning balance' on its list of considerations. Mr Leedale stated that Members needed to consider planning policy as well as the lawfulness of what the site was being used for.

Councillor Tim Metcalfe asked the applicant if an affordable housing contribution and CIL payment would be made. On hearing this was the case he stated that he felt that the affordable housing contribution was very generous.

Councillor Richard Crumly noted that a similar application was refused by the Committee in December 2016 and questioned how the current application differed. Mr Leedale stated that the units closest to Tidmarsh Lane had been reduced in size.

Councillor Tim Metcalfe in addressing the Committee raised the following points. He firstly read out a statement on behalf of the Parish Council:

- Given the history of the site with the Certificates of Lawfulness and Enforcements Orders, the Parish Council had no hesitation in supporting the residents of adjoining properties and the developer in putting forward the application.
- The Parish Council felt that the case for recommending approval was irrefutable on the basis of the current policies and material considerations.
- The report concluded the adverse impact on the AONB was greater from five houses than from an industrial site, capable of expansion constrained only by the conditions of the CERTE.
- Residents living next to the site, would have to continue with the uncertainly of how the site might be used if the application was refused.
- The Parish Council urged the Committee to view policies as guidelines and listen to the wishes of the residents and of the Parish Council.

Councillor Metcalfe then made the following points as Ward Member:

- Councillor Metcalfe stated that some applications fell outside of the 'mould'.

- Since the previous application the plans had been re-assessed to reduce the size of the replacement dwelling and provide one less additional dwelling.
- Councillor Metcalfe felt that the proposal would have a lesser impact upon residents and the AONB than that currently on the site.
- The report was concerned about the increase in cars using the narrow lane however, this was already being used by large HGVs with loos on board.
- The financial gain for the affordable housing contribution and CIL payment would be of great benefit to the local area.
- Officers worked hard to implement planning policy and were correct in their recommendation to refuse planning permission on this basis. However Members had visited the site and heard representations and based on this should be minded to approve the application.

Councillor Pamela Bale asked if all the uses of the site had been approved or if the Council should be considering enforcement action.

Councillor Metcalfe reported that anti-social behaviour had been reported on the site and both the Parish Council and local residents would agree that the Certificates of Lawfulness should never have been given and that enforcement action was needed.

Councillor Tony Linden stated that if planning permission was granted it was not definite that it would be acted upon. Councillor Metcalfe responded that there was no urgency to develop the site if permission was granted however, if it was not granted then industrial use could continue, which would mean further issues for the neighbours.

The Chairman confirmed that there were no further questions for the Ward Member and therefore Members could now pose questions to the Planning Officers.

Councillor Keith Chopping asked if there was anything contained within planning policy for the scenario being faced by Members. The application was contrary to policy however, discretion was required due to unsuitable use of the site. David Pearson stated that there was nothing specific contained within planning policy relating to this scenario. Members needed to weigh up the material considerations. It was worth Members noting that there were a large number of similar sites across the district, including four sizeable sites within 0.5 miles of the site one of which directly adjoined it to the east, and approval of the application would result in an unfortunate precedent being set. There was no evidence to suggest that there were non conforming uses taking place on the site as no recent allegations had been submitted to the planning department.

Councillor Chopping asked if the application would be referred up to the District Planning Committee if approved and Mr Pearson confirmed that this would be the case.

Councillor Crumly noted that the report referred to visibility splays. He asked how acceptable the plans were in terms of highways and what visibility would be like leaving the site if permission was granted. Gareth Dowding reported that although the speed limit was 60mph, speeds were lower than this on the site and the sight lines complied with this.

Councillor Emma Webster asked Officers for their definition of ‘setting’ according to the National Planning Policy Framework. Mr Pearson stated that an assessment of setting largely depended on the particular features of a site and its surrounding area and any of the Members who attended the site visit would have had a clear idea of its setting, which was mainly a woodland and countryside setting.

There were no further questions for Officers and therefore the meeting was opened up for debate. Councillor Crumly was concerned that if the application was approved it would set a precedent for other similar sites in the district and close by. A similar application in December 2016 had been refused and Councillor Crumly did not feel that the current application was dissimilar as it did not overcome the policy issues. Councillor Crumly was concerned that if the application was approved residents would have to pull their wheelie bins up to the highway, which was up to 150 metres. Councillor Crumly felt that the application was opposed to policy and Members should be acting upon advice given by Officers and therefore he proposed that Members accept the Officer recommendation to refuse planning permission. Councillor Linden seconded Councillor Crumly's proposal.

Councillor Webster stated that she was struggling with the application because as the agent had mentioned, there could be exceptions to policy. Councillor Webster also felt that the application would improve the immediate setting when compared to the site currently. Local residents had attended the Committee to express their support for the application and this needed to taken into consideration.

Mr Pearson stated that if a site was unsightly the development should not be viewed as a resolution and he quoted section 215 of the Planning Act regarding power to serve notices to ensure action was taken to remedy the appearance of a piece of land. Mr Pearson reminded Members that planning policy encouraged the retention of businesses in rural areas. The building on the site had a Certificate of Lawfulness for a mixture of uses besides haulage that had not caused any nuisance.

Councillor Linden expressed his concern for setting a precedent by approving the application and this was why he had seconded Councillor Crumly's proposal.

Councillor Alan Macro felt that Members should not be swayed by CIL and affordable housing contributions. Both factors were meant to mitigate an application and were not a reason to grant approval. Councillor Macro had noted at the time of the site visit that there were many similar sites in the immediate area.

Councillor Marigold Jaques concurred with the points made by Councillor Webster however, agreed that that policies were put in place for a reason. Councillor Jaques was aware that other similar applications had recently been refused.

Councillor Bale felt that the Officer recommendation required Members' support however she urged that action should be taken against unlawful activity taking place on the site.

Councillor Quentin Webb sympathised with Councillor Metcalfe's reasons for supporting the application however, struggled to see how the application adhered to planning policy in any way. Areas needed to be protected for the future and therefore Councillor Webb stated that he reluctantly supported the Officer recommendation.

Councillor Richard Somner stated that he struggled with points made within the report regarding the impact on the AONB when the site as it currently stood was unsightly. He felt that Members had a responsibility to assess exceptionality to planning policy. Officers worked hard to put policies in place and these would ensure that no precedent was set. Councillor Somner therefore confirmed that he would not support a motion to approve the Officer recommendation to refuse planning permission.

The Chairman invited Members of the Committee to vote on the proposal put forward by Councillor Crumly, seconded by Councillor Linden. At the vote the motion to refuse planning permission was approved.

RESOLVED that the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

1. The application site is an isolated and sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and outside of any defined settlement boundary. The proposals to demolish the commercial buildings and remove hardstanding on land south of Green Gables and erect four dwellings are not supported by planning policy, and there is no presumption in favour of development in such locations. The redevelopment of the site is not an exception to the policies restricting housing development in rural areas in general and the Area of Outstanding Natural Beauty in particular, as defined by paragraph 55 of the National Planning Policy Framework (2012), West Berkshire Core Strategy Policies ADPP1 and ADPP5, and West Berkshire Housing Site Allocations Development Plan Document Policy C1.

2. The application site is an isolated and sensitive location within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and outside of any defined settlement boundary. The site contains an existing residential dwelling and buildings and land for commercial purposes, and lies amongst open fields to the south of Tidmarsh Lane.

   The proposed works to demolish the commercial buildings on the section of the site south of the existing dwelling Green Gables and erect four dwellings would have a demonstrably greater and more harmful and intrusive appearance in the landscape, on the character of the area and AONB than the existing buildings. The existing commercial buildings are low in profile and modest in size and the plant hire use is intermittent in nature and restricted by the terms of the Certificate of Lawfulness. By contrast the dwellings are large and suburban in appearance and layout, and the proposal would lead to the domestication of the appearance of the land in the daytime and increased light pollution at night. The imposition of the houses of an urban form and layout within the open landscape would not be appropriate development, over and above the existing built form on land behind Green Gables.

   The proposed scheme would therefore be contrary to the Core Planning Principles set out at Paragraph 17 of the National Planning Policy Framework (2012) which states that development must always seek to secure a high quality of design and recognise the intrinsic character and beauty of the countryside. It would further be contrary to the requirements of Policy C3 of the West Berkshire Site Allocations Development Plan Document due to the impact of the design on the character of the area. It would also be contrary to the requirements of Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, which require that new development must demonstrate a high quality of sustainable design that respects and enhances the character and appearance of the area, and that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Furthermore due to their significantly increased visual impact the proposed new dwellings would fail to either conserve or enhance the special landscape qualities of the North Wessex Downs Area of Outstanding Natural Beauty and therefore the proposed development is contrary to the requirements of Policy ADPP5 of the West Berkshire Local Plan Core Strategy (2006-2026) and of paragraphs 109 and 115 of the National Planning Policy Framework (2012).

3. The application site consists of an existing dwelling and garden and an extended area to the south containing buildings and open land for commercial purposes covered by two certificates of lawful use. The site lies amongst open fields to the south of Tidmarsh Lane and lies within the North Wessex Downs Area of Outstanding Natural Beauty.

The proposed works are to demolish the dwelling and buildings on site and erect a total of five dwellings. The application is considered to fail to comply with the three dimensions to sustainable development as set out in paragraph 7 of the National Planning Policy Framework. Whilst the proposal might generate a short term economic benefit during the construction, its overall economic impact would be negative due to the displacement of the businesses currently operating from the site. The proposal supports the social role by providing housing but it is negated by its location being remote from accessible local services and the failure of the scheme to provide a high quality built environment. The site at Green Gables is located outside of any defined settlement boundary, and in a relatively isolated position away from urban areas, rural service centres and service villages. The site is not readily accessible by public transport, and Tidmarsh Lane is not attractive for future residents to walk or cycle due to the lack of footway and the narrow and winding nature of the road.

As set out in reason for refusal no. 2. the proposal is considered to have a significantly negative impact on the character and appearance of the local area and to fail to conserve and enhance the special landscape qualities of the AONB. Accordingly it fails to comply with the environmental role of sustainable development by damaging rather than protecting or enhancing the natural environment.

4. The development fails to provide a planning obligation to deliver affordable housing. The application is therefore contrary to the National Planning Policy Framework, the Planning Practice Guidance, Policy CS6 of the West Berkshire Core Strategy (2006-2026) and the West Berkshire Council Planning Obligations Supplementary Planning Document.

(2) Application No. & Parish: 17/02365/HOUSE - 4 Beechfield, Frilsham, RG18 9XF

Councillors Quentin Webb, Marigold Jaques and Emma Webster declared a personal interest in Agenda Item 4(2) by virtue of the fact that the objectors to the application were known to them. 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 Graham Pask declared a personal interest in Agenda Item 4(2) by virtue of the fact that the neighbour of the applicant was known to him. 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.)

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/02365/HOUSE in respect of a single storey side and rear extension.

It was noted by Members that conditions, should planning permission be granted, were included within the update report pack.

In accordance with the Council's Constitution, Mr Henry Burgoyne Probyn and Mr Charles Burgoyne Probyn objectors, and Mr Adam Pusey, applicant/agent, addressed the Committee on this application.

Mr Henry Burgoyne Probyn and Mr Charles Burgoyne Probyn in addressing the Committee raised the following points:

- Mr Henry Burgoyne Probyn reported that he was also representing his father who lived close to the proposal however, was currently unwell.
- His main concerns regarded the size and proportion of the proposed extension. Any extension on the back of a semi-detached property would have an unacceptable impact on neighbours.
- The area was very rural and consisted of many open spaces including Frilsham Green.
- He referred to the Development Plan 2006 and stated that he had not expected when buying a house in an area as rural as Frilsham, that amenity could be compromised to such an extent. He was of the impression that certain criteria had to be met.
- No other development within the village had imposed an impact to such a negative degree. There would be a reduction in amenity and sunlight to neighbouring properties.
- Mr Henry Burgoyne Probyn stated that his garden was a place of greenery however, this would change if the extension was approved due to the density of the proposal.
- The huge increase in floor-space would set a precedent in the village.
- Mr Charles Burgoyne Probyn stated that the extension to his property carried out in 2003 had been much smaller in scale.
- He was not objecting to the principle of the proposal but to the unacceptable increase in size currently proposed.

Councillor Richard Crumly noted that there had been three previous applications for an extension on the site that had been refused and he asked if they had all been large in size. Mr Charles Burgoyne Probyn stated that they had all been double storey. The recent application was only single storey however, protruded further outwards rather than upwards.

Councillor Emma Webster asked for clarification on which rooms would be closest to the extension and what they were used for. Mr Charles Burgoyne Probyn confirmed that the kitchen and living room of his property would be affected and the bedroom and kitchen of his neighbour would be affected.

Councillor Keith Chopping noted that Mr Henry Burgoyne Probyn already had an extension on his property and felt that it was similar in design to that proposed, in that it went around the corner of the property. Councillor Chopping therefore noted that Mr Henry Burgoyne Probyn was objecting in essence because the extension was larger. Mr Henry Burgoyne Probyn stated that he was not aware that any objections had been raised regarding the extension to his property. He stated that if the proposal was smaller in size then he would be supporting it. It was the impact on neighbouring amenity due to the sheer scale of the proposed extension that was posing a problem.

Mr Adam Pusey in addressing the Committee raised the following points:

- When Mr Pusey submitted the proposal, he had moved the extension away from the boundary by two metres to try and limit the impact upon his neighbours.
- There were similar extensions along the road that were built up to the boundary.
- There was a 1950s concrete garage near to the boundary on the application site and the proposal involved taking this down and moving it away from the boundary. This would help reduce the impact upon neighbours.

- The size of the proposed extension fell with the acceptable remit detailed in local planning policy.
- Property number three had an extension, which protruded out five metres behind the property and blocked the view for three bungalows. The only impact the proposed extension would have on these properties would be the view of a roof line.
- Mr Pusey had gone out of his way to change the application to mitigate objections raised. He had even changed plans to include a flat roof however, this had not been acceptable.
- Number 22 extended out as far as the proposal, however it was also two storey. There were also other similar extensions along the road.
- Neighbouring properties had extensions and Mr Pusey wanted his property to have the same. He strongly disagreed with the point raised that there would be loss of light to numbers three and five, because the extension would only be single storey.

Councillor Marigold Jaques noted that there was two metres between Mr Pusey's house and the adjacent property and asked who owned the hedge line. Mr Pusey confirmed that he owned the hedge line and this would be maintained.

Councillor Tim Metcalfe stated that the debate revolved around the deprivation of light to property number three and asked if number three had objected to the flat roof. It was confirmed that property number five had objected to this proposal.

Councillor Quentin Webb, Ward Member, in addressing the Committee raised the following points:

- He had been engaged with the site over many years due to its planning history.
- He felt that the proposal was acceptable for the site and would not cause an unacceptable impact on property number three.
- He was pleased to see within the conditions that permitted development rights would be removed if the application was approved.
- He was satisfied with the density and design in relation to the street scene.
- He did not feel there would be a large loss of light to property number three and he therefore expressed his support for the application.

Councillor Emma Webster raised a query about 'Right to Light' contained within the BRV survey. David Pearson confirmed that 'Right to Light' was not a planning consideration. The officer's report included calculations regarding the angle of the extension and had concluded that its impact was acceptable. The extension was set back by three metres to the southern side and was also single storey. Therefore it was at a level that was considered acceptable. Mr Pearson informed Members that property number three had permission to build a conservatory in the gap up to the boundary line however, it was unknown if this would go ahead.

Councillor Crumly asked for clarification that all previous applications had been double storey and Mr Pearson confirmed that they had been.

Councillor Chopping felt that the application was in line with planning policy and therefore proposed officer recommendation to approve planning permission. This was seconded by Council Crumly.

Councillor Metcalfe stated that he had no issue with the proposal regarding the increase in footprint. He was sympathetic to the objections raised by neighbours concerning the loss of light. The fact that the extension was proposed for the southern side of the property was a disadvantage in his view as it could cause shadowing. Councillor Metcalfe commented that although he had reservations about the proposal he did not feel it was unacceptable.

Councillor Richard Somner commended the efforts taken by the applicant to mitigate issues raised about the previous applications.

The Chairman invited Members of the Committee to vote on the proposal put forward by Councillor Chopping, seconded by Councillor Crumly. At the vote the motion to approve planning permission was carried.

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

Conditions

1. Time limit:

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), to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. Plans approved:

The development hereby permitted shall be carried out in accordance with the approved drawing numbers P01 01, P01 03, P01 04, P01 05, P01 06 and P01 07 received on 17.08.2017.

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

3. Materials as specified:

The materials to be used in this development shall be as specified on the plans or the application forms. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: In the interest of proper planning in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

4. Permitted Development removal:

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, 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 and qualities of the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policies C1, C3 and C6 of the

West Berkshire Housing Site Allocations Development Plan Document (2006-2026), and the West Berkshire Supplementary Planning Document Quality Design (June 2006).

Informatives

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

Damage to footway, cycleway or verge: The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

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

Reason for decision (objections received): This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

Reasons for approval: The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

28. Application No. & Parish:17/01967/FULD - Knappswood Farm, Pangbourne Road, Upper Basildon, Berkshire RG8 8LN

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 17/01967/FULD in respect of the demolition of an existing house containing 3 units and the erection of 3 houses.

David Pearson highlighted that the full recommendation for the application was to be delegated to the Head of Development and Planning to Grant Planning Permission subject to the completion, within two months of the date of Committee, of a legal agreement to secure the provision of visibility splays at the access onto Pangbourne Road in accordance with Policy C3 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document: Planning Obligations Or to refuse the application if the agreement was not completed within this period.

In accordance with the Council's Constitution, Ms Carol Reed, objector, addressed the Committee on this application.

Ms Carol Reed in addressing the Committee raised the following points:

- The site was located on a bend. Parents walked along the road to school with their children and often buggies, which was extremely dangerous as vehicles were often exceeding 30mph.

- There would be several new houses if the application was approved, with an average of two cars per house. The road was particularly narrow and was not suitable for an increase in traffic.
- Mrs Reed was concerned about possible contamination on the site and requested clarification from Officers on this point.

Mr Pearson referred to the report where there were conditions relating to contamination on pages 75 and 76. The first of the conditions referred to a land assessment and the other conditions dealt with what would need to take place if contamination was found on the land. It was confirmed that the conditions covered potential eventualities to ensure contamination would be dealt with in the necessary manner.

Comments from the Environmental Health Department noted that the former pit located approximately 40metres to the south of the site had been identified as potentially contaminated. Mr Pearson highlighted that this was not part of the site that would be developed if planning permission was approved.

Councillor Quentin Webb noted Mrs Reed's concern about the access to the site. There was an indoor riding school nearby and Councillor Webb asked if this used the same access. Mrs Reed was unable to clarify this point.

Councillor Webb stated that houses on the site must use the road currently, however Mrs Reed stated that she was concerned about the potential for two cars per property.

Councillor Tim Metcalfe questioned if there were would be an increase in traffic to and from the site and the Chairman confirmed that this was a question for Officers.

Gareth Dowding stated it was expected that there would be an increase in traffic flow which was why they had insisted that visibility splays be implemented. It was confirmed that Officers were not overly concerned about the increase to traffic flow, which would result in up to an anticipated four extra vehicles.

Councillor Emma Webster questioned the length of time (two months) that it was anticipated it would take to complete the legal agreement for the visibility splays. Sharon Armour was under the impression that two months was a reasonable length of time to bring such business to a conclusion especially if there was a mortgage over the site.

Councillor Metcalfe felt that having listened to Ms Reed he felt that the report adequately dealt with the issues raised and therefore he proposed that Members approve the Officer recommendation to approve planning permission. This was seconded by Councillor Crumly.

Councillor Alan Macro questioned how likely it would be that the piece of land close to the development, would be developed if planning permission was given. Mr Pearson explained that planning policy on development within the countryside was tighter than it ever had been. If an application was to come forward for the piece of land in question it would need to be for a replacement dwelling or a dwelling for a countryside worker to find any support under current policies.

Councillor Chopping stated that he was minded to vote in favour of the application however, was regretful that the application was for three large homes when it could have been used as an opportunity to build a smaller number of more affordable homes that were required across the district.

The Chairman invited Members of the Committee to vote on the proposal put forward by Councillor Metcalfe, seconded by Councillor Crumly. At the vote the motion to approve planning permission was carried.

RESOLVED that it be DELEGATED to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the completion, within 2 months of the date of Committee, of a legal agreement to secure the provision of visibility splays at the access onto Pangbourne Road in accordance with Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document: Planning Obligations. The respective permission to be subject to the following conditions.

OR

If the legal agreement is not completed by the 18th December 2017, to **DELEGATE** to the Head of Development and Planning to **REFUSE PLANNING PERMISSION** for the reason set out below, or to extend the period for completion if it is considered expedient to do so.

Conditions

1. Commencement of development

The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

The development of the replacement dwellings hereby approved shall be carried out in accordance with the application form, the design and access statement and drawing numbers 7756.6; 7756.7; 7756.8 and 7756.9A, received 01 July 2017.

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

3. Schedule of Materials

Irrespective of details given in the approved plans and documents no development of the approved dwellings shall commence until samples of all external materials to be used have been submitted and approved under a formal discharge of conditions application. The approved dwellings shall be constructed in accordance in accordance with the approved schedule of materials.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

4. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted and approved under a formal discharge of conditions application. The development shall be carried out in accordance with the approved Construction Method Statement. The Construction Method Statement shall provide for:

(a) The parking of vehicles of site operatives and visitors

(b) Delivery, loading and unloading of plant and materials

(c) Storage of plant and materials used in constructing the development

(d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing

(e) Wheel washing facilities

(f) Measures to control the emission of dust and dirt during construction

(g) A scheme for recycling/disposing of waste resulting from demolition and construction works

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 (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. Visibility splays before development

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access and until the Deed of Covenant between the Council, the Applicant and the owners of Hollies and Southfields has been entered into and registered as a local land charge. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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

6. Access to Highway

No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 7 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. Parking/turning in accord with plans.

No dwelling shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plans. 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), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and P1 of the HSA DPD

8. Cycle storage

No dwelling shall be occupied until cycle parking and/or storage space has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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),Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and P1 of the HSADPD.

9. External Lighting

No development of the approved dwellings shall commence until full details of any lighting to be erected, including the complete specification and location of all external lights, has been submitted and approved under a formal discharge of conditions application. Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015 or any subsequent version thereof, no other external lighting shall be erected on the site.

Reason: In the interests of visual amenity and to prevent encroachment of illumination into the night skies in the North Wessex Downs Area of Outstanding Natural Beauty in accordance with Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

10. Ecological mitigation - Bat boxes

The dwellings hereby approved shall not be occupied until a scheme of bat boxes to be provided on the site has been submitted and approved under a discharge of conditions application. The dwellings shall not be occupied until the bat boxes have been erected in accordance with the approved scheme. The bat boxes shall be retained in accordance with the approved scheme thereafter.

Reason: To conserve and enhance the qualities of the site for local wildlife in accordance with Policy CS17 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

11. Landscaping scheme

No development of the approved dwellings shall commence until details of a scheme of landscaping to be implemented on the site have been submitted and approved under a discharge of conditions application made for this purpose. The scheme of landscaping shall ensure:

(i) Identification of all trees and shrubs scheduled for retention on the site;

(ii) Identification of native varieties of trees and shrubs for all new planting;

(iii) Full implementation of the scheme of landscaping within the first planting season following occupation of the replacement dwellings;

(iv) That all trees and shrubs that form part of the approved landscaping are retained for a period of five years following planting and that during this period any trees or shrubs that become diseased, damaged or die are replaced with plants of the same species and a similar size during the following planting season.

The landscaping of the site shall be undertaken in accordance with the approved scheme.

Reason: In order to secure the benefits of landscaping to soften the visual impacts of development on a sensitive site within the North Wessex Downs AONB and to provide opportunities for local wildlife in accordance with the NPPF and Policies CS14, CS17 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

12. Hard landscaping

No development or other operations shall commence on site until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: A comprehensive hard landscaping scheme is an essential element in the detailed design of the development, and is therefore necessary to ensure the development achieves a high standard of design. These details must be approved before the development is commenced because insufficient information has been submitted with the application, and it is necessary to ensure that the scheme is of a high standard. 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).

13. Spoil

No development shall take place until full details of how all spoil arising from the development will be used or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

(a) Show where any spoil to remain on the site will be deposited;

(b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);

(c) Include measures to remove all spoil (not to be deposited) from the site

(d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. 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).

14. Land contamination 1: site characterisation

The construction of the dwelling hereby permitted shall not take place until a scheme to assess the nature and extent of any land contamination of the site (whether or not it originates from the site) has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment shall be completed as part of this scheme. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted. The report of the findings shall include:

(a) A survey of the extent, scale and nature of contamination;

(b) An assessment of the potential risks to:

i. human health,

ii. property (existing and proposed) including buildings, pets, and service lines and pipes,

iii. adjoining land,

iv. groundwater and surface water,

v. ecological systems,

vi. archaeological sites and ancient monuments; and

(c) An appraisal of remedial options, and proposal of the preferred option(s).

This report shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15. Land contamination 2: remediation scheme submission

The construction of the dwelling hereby permitted shall not take place until a remediation scheme for any land contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

(a) Provide for the removal of unacceptable risks to human health, buildings and other property, and the natural and historical environment;

(b) Ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation;

(c) Detail proposed objectives and remediation criteria, all works to be undertaken, a timetable of works, and site management procedures; and

(d) Include measures for the monitoring and maintenance of the long-term effectiveness of the remediation over a period agreed in writing with the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. Land contamination 3: remediation scheme implementation

The remediation scheme for land contamination approved under condition 15 shall be implemented in full in accordance with the timetable of works thereby approved. Two weeks written notice shall be given to the Local Planning Authority prior to the commencement of the remediation scheme. Following the completion of the measures identified in the approved remediation scheme (except those for the long-term monitoring and maintenance), no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17. Land contamination 4: unexpected contamination

In the event that any previously unidentified land contamination is found at any time during the carrying out of the development, it shall immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 14, and where remediation is

necessary a remediation scheme shall be prepared in accordance with the requirements of condition 15. The investigation and risk assessment, and any remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, no dwelling shall be occupied until a verification report to demonstrate the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. Land contamination 5: monitoring and maintenance

Following completion of the measures for the monitoring and maintenance of the effectiveness of the land contamination remediation approved under clause (d) of condition 15 (if any), a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the completion of the measures. These reports shall be conducted in accordance with CLR11: Model Procedures for the Management of Land Contamination (DEFRA/EA).

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

19. Hours of work (demolition and construction)

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing is limited to:

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.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with the NPPF and Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

20. Sustainable Drainage

No development shall take place until a scheme of surface water drainage has been submitted and approved under a formal discharge of conditions application made for this purpose. The scheme shall incorporate sustainable drainage principles to deal with surface water run-off from the roof of the dwellings hereby permitted and within the application site. The dwelling hereby permitted shall not be first occupied until the scheme of surface water drainage has been implemented in accordance with the approved details. The approved method of surface water drainage shall be retained thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (March

2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design - Part 4 Sustainable Design Techniques (June 2006).

21. Windows to be top hung and obscure glazed

The development hereby permitted shall not be occupied until the windows at first floor level in the northern and southern elevations of the dwellings hereby permitted have been fitted with obscure glass and top hung casements. The obscure and top hung glazing shall be permanently retained in that condition thereafter.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

22. Restriction on permitted development for windows on side elevation

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows/roof lights (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Classes A, B or C of that Order shall be constructed on the north and south elevations of the dwellings hereby permitted, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

23. PD Removal – extensions or outbuildings

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions or outbuildings which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C, D and E of that Order shall be constructed on the dwellings hereby permitted, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: In the interests of visual amenity and to avoid the overdevelopment of a site within the North Wessex Downs Area of Outstanding Natural Beauty, in accordance with Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy C3 of the West Berkshire Council Housing Site Allocations DPD (2017).

Informatives

1. Proactive action by the local planning authority

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.

2. Access construction

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 –

519803, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

3. **Damage to footways, cycleways and verges**

   The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

4. **Damage to the carriageway**

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

5. **Excavation in close proximity to the highway**

   In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

6. **Incidental works affecting the highway**

   Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

7. **Protected bats**

   All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If any signs of bats (bat roosts, bat droppings or any other signs) are discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

8. **Construction / demolition noise**

   The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

29. Appeal Decisions relating to Eastern Area Planning

Members noted the outcome of appeal decisions relating to the Eastern Area.

(The meeting commenced at 6.30 pm and closed at 8.10 pm)

CHAIRMAN …….

Date of Signature …….