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

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 1 NOVEMBER 2017

Councillors Present: Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chairman), James Cole, Adrian Edwards, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

Also Present: Derek Carnegie (Team Leader - Development Control), Jo Reeves (Principal Policy Officer) and Shiraz Sheikh (Legal Services Manager)

Apologies for inability to attend the meeting: Councillor Hilary Cole and Councillor Billy Drummond

Councillor Absent: Councillor Paul Hewer

PART I

27. Minutes

The Minutes of the meeting held on 20 September 2017 were approved as a true and correct record and signed by the Chairman, subject to an amendment to correct the start time of the meeting to 6.30pm.

28. Declarations of Interest

There were no declarations of interest received.

29. Schedule of Planning Applications

(1) Application No. and Parish: 17/01445/FUL, The Lodge, High Elms, Aldworth Road, Compton

(Councillor Jeff Beck joined the meeting at 6.32pm; he confirmed that he had no interest to declare.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/01445/FUL in respect of part retention of The Lodge to provide ancillary workshop and garaging to Walnut House at High Elms, Compton.

In accordance with the Council's Constitution, Mr Aaron Smith, Parish Council representative, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers clearly recommended the Committee grant/refuse planning permission.

Mr Smith in addressing the Committee raised the following points:

- Fowler Architecture and Planning Ltd had been instructed by Compton Parish Council in respect of this application.

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- The Lodge had not been demolished, as had been required in previous planning permission on the site and the Local Planning Authority had failed to impose the condition or take enforcement action.
- The Parish Council had no objection to the revised application before the Committee as the building would be ancillary and subservient to Walnut House.
- If the Committee were minded to approve the application a condition should be applied to require demolition of Lodge within twelve months. The Parish Council was relying on the applicant's goodwill to demolish the Lodge.
- The Parish Council wanted reassurance that all avenues to regularise the use of the building would be explored.

Derek Carnegie advised that any conditions would need to be deemed appropriate and proportionate under the National Planning Policy Framework.

Shiraz Sheikh reminded the Committee that they were there to determine the application before them and not rectify previous issues.

Councillor Paul Bryant expressed the view that if the Committee were minded to approve the application there would be no change in situation regarding the removal of the existing building and he had found much of the statement to be irrelevant. Mr Smith responded that the application before the Committee was the result of discussions between the applicant and planning enforcement officers. The Parish Council was concerned regarding the history of the site and if permission was granted, unless there was a condition to require implementation, it would not achieve the reasons the application was submitted.

Councillor Anthony Pick stated that the original application required that the Lodge was demolished and this would still be in place whether or not the application before the Committee was granted. Mr Smith replied that the wording of the condition requiring demolition of the Lodge was not concrete enough to ensure that the condition was enforceable. Derek Carnegie agreed that the wording of the condition in the previous planning decision was not as precise as it might have been.

Councillor James Cole enquired whether there were any legal mechanisms to condition demolition within a timeframe. Mr Smith advised that it would be easier to apply under a s73a application.

Councillor Virginia von Celsing, speaking as War Member, in addressing the Committee raised the following points:

- The Parish Council have agreed that the proposal was acceptable.
- They were anxious that the demolition should take place, otherwise essentially there would have been the construction of a new dwelling in the North Wessex Downs Area of Outstanding Natural Beauty and outside the settlement boundary.
- Councillor Hilary Cole, who had given apologies for the meeting, had the view that this application should be refused as the two previous approved applications clearly stated that the property should be demolished.

Shiraz Sheikh advised that Councillor von Celsing was speaking in her capacity as Ward Member and not on behalf of Councillor Hilary Cole therefore Members should disregard the last point. He also reminded Members that they should limit discussion to the merits of the application before them and not the sufficiency of any enforcement action of previous permissions.

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Councillor Bryant noted that the previous application had been for a new dwelling with garage and questioned what garage there was on site. Derek Carnegie advised that there were a number of outbuildings on the site within the applicant's ownership which could be used as a garage.

Councillor von Celsing asked if it was the case that a new dwelling in the countryside would not have been permitted should the previous dwelling in the site not be demolished. Derek Carnegie confirmed this was correct.

Councillor Pick noted that the Lodge was no longer in lawful use as a dwelling and asked whether a condition could be applied to the application before the Committee to rearticulate the requirement for the Lodge's demolition under the previous application. Derek Carnegie advised that it would not be appropriate and conditioning should stand alone. The Planning Enforcement Officer had been unable to enforce demolition based on the previous application and a condition to impose a timeframe on the demolition of the building was not likely to be sound should a Planning Inspector need to consider an appeal.

Councillor Garth Simpson stated that he expected the next application to be to create a drive in order to apply for the Lodge and Walnut House to be separate dwellings.

Councillor Jeff Beck advised that he understood the concerns of the Parish Council and the Ward Member regarding the site's history. He stated that it was easy to pontificate about what should have happened but it was difficult to find a solution. He emphasised that the Committee were determining the application before them and not any previous applications. He proposed that the Committee accept the officer's recommendation to approve conditional planning permission, subject to the inclusion of the conditions on the update sheet. He also suggested that he would be happy to include a time limit to demolish the Lodge if officers' advice was that this was suitable. Councillor Bryant seconded the proposal.

Councillor Pick expressed the view that the basis of the application was reasonable and believed that the Council would have a strong basis to defend an enforcement appeal.

Councillor Bryant observed that 70 years had passed since the passing of the Town and Country Planning Act which introduced conditions and he was disappointed that more watertight conditions could not be drafted. He supported the officer's view that it was highly likely an application to erect a garage without the site's history would be permissible. He requested that in future officers and Members ensure that they looked at conditions closely.

Councillor Adrian Edwards stated that looking at this application he could see no reason to refuse permission.

Councillor Cole agreed that should the application have been for a garage without the complications of the site history Members would have readily approved it. He deemed that there would be merit in a requirement for demolition within a 12 month timeframe. He enquired whether the garage was required under the materials condition to use bricks reclaimed from the Lodge as this would surely offer the necessary assurances that the Lodge would be demolished.

The Chairman invited the Committee to vote on the proposal of Councillor Beck, as seconded by Councillor Bryant to approve planning permission. At the vote the motion was passed unanimously.

Councillor von Celsing raised a point regarding process and pressed the need to ensure conditions regarding demolition were water tight.

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

Conditions

1. Full planning permission 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).

2. Standard approved plans

The development hereby permitted shall be carried out in accordance with the approved drawings

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.
- Drawing untitled containing Site Plan. Drawing number 7106:1 C. Date stamped 8th September 2017.

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

3. Materials as specified

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indication as to these matters which have been detailed in the current application. Details will include a schedule of any retained materials. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), and Policy C6 of the West Berkshire HSADPD, Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance 04/2 House Extensions (July 2004).

4. Residential annex use

The garage/workshop building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Walnut House. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADDP1, ADDP 5 of the West Berkshire Core Strategy (2006-2026) and C1 of the West Berkshire HSADPD.

5. Parking in Accordance with the Plans

The vehicle parking and/or turning space to be surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter

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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).

6. External lighting (separate application required)

No external lighting of the building of the garage/workshop building hereby permitted shall be installed without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: The Local Planning Authority wish to be satisfied that these details are satisfactory, having regard to the setting of the development, the character of the area, and the Ecology of the site. The area is unlit at night and benefits from dark night skies. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADDP 5, CS14, CS17, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

7. Demolition

The approved garage / workshop ancillary building subject to this permission 17/01445/FUL shall not be brought into use until demolition of the relevant parts of the building known as 'The Lodge' have been completed fully as shown in approved plans;

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.

Demolition, as detailed above, shall be completed fully and all materials and waste arising from the demolition shall be removed from the site.

Reason: In the interests of maintaining the appearance of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policies ADPP5, C S14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

8. Ecology

Development shall proceed in accordance with the ecological mitigation measures detailed within sections 4.0 to 5.0 of the BAT Survey and Mitigation Report September 2017 conducted by Aluco Ecology unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be implemented in full and the measures shall thereafter be retained.

Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 17 of the West Berkshire Core Strategy Development Plan Document 2012.

9. Landscaping

All landscape works shall be carried out in accordance with the submitted plan

- Drawing untitled containing Elevations and Location Plan. Drawing number 7106: 2 C. Date stamped 8th September 2017.

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The approved landscape works shall be implemented within the first planting season following completion of first use of the development or in accordance with a programme submitted before any development takes place and approved in writing by the Local Planning Authority. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

In the interests of maintaining the appearance of the North Wessex Downs Area of Outstanding Natural Beauty in accordance with policies ADPP5, CS14, and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

INFORMATIVES

HI 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.

HI 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.

Nesting Birds

Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

30. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 7.25 pm)

CHAIRMAN

Date of Signature