

# DRAFT

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## WVWESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 DECEMBER 2017

**Councillors Present:** Howard Bairstow (Substitute) (In place of Paul Bryant), Jeff Beck, Hilary Cole, James Cole, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

**Also Present:** Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Catherine Ireland (Planning Officer) and Jo Reeves (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth, Councillor Paul Bryant, Councillor Billy Drummond and Councillor Adrian Edwards

#### PART I

#### 31. Minutes

As Councillor Paul Bryant had given apologies for inability to attend the meeting, Councillor Jeff Beck nominated Councillor Hilary Cole as Vice-Chairman for the meeting. The proposal was seconded by Councillor Paul Hewer and at the vote was carried.

The Minutes of the meeting held on 1 November 2017 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Page 6, sixth paragraph:** 'War Member' to be replaced with 'Ward Member'.

#### 32. Declarations of Interest

There were no declarations of interest received.

#### 33. Schedule of Planning Applications

##### (1) Application No. and Parish: 16/03411/FUL Compton

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/03411/FUL in respect of a proposed burial ground extension to the Church Of St Mary and St Nicholas including rain shelters, change of use from agricultural land to Sui Generis at Aldworth Road, Compton.
2. In accordance with the Council's Constitution, Mr Aaron Smith, Mr Keith Simms and Mr Mark Birtwistle, Parish Council representatives, Mr Tony Keys, objector, Dr Peter McGeehin, supporter and Mr Geraint Williams, agent, addressed the Committee on this application.
3. Derek Carnegie introduced the report and update sheet to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was unjustified. Officers on balance recommended that Committee refuse planning permission.

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4. Paul Goddard clarified that a condition had been included in the update sheet to require widening of the access to the site should the Committee be minded to approve the application.
5. Mr Smith in addressing the Committee raised the following points:
6. The existing burial ground adjacent to the church was at capacity and could not be extended.
7. The site's landowner had donated the land to the Parish Council for use as a secular burial ground.
8. The Council had suggested that the principle of the development was acceptable during pre-application advice received in 2015.
9. There was no better location in Compton for the site and it was well related to the church.
10. The proposal would not lead to urbanisation as it would have a grass road and it would relate well to the village.
11. The burial ground would have a formal layout and would be well screened, with landscape belts and low level features.
12. The burial ground was needed to meet the needs of local residents and the officer's report stated that there was no clear breach of any of the Council's planning policies.
13. Sharon Armour asked the Committee to leave any questions for the Parish Council as applicant (as opposed to representing the Parish) to Mr Williams who was speaking on behalf of the applicant later in the meeting.
14. Councillor Jeff Beck asked whether the Parish Council would operate and maintain the burial ground, should planning permission be granted. Mr Smith confirmed that they would. Councillor Beck enquired about the proposed use of the car park. Mr Birtwistle advised that the church had a car park but the car park as part of the proposed burial ground could be used when there were larger services. Councillor Beck further asked whether the burial ground would only be used for Compton residents. Mr Birtwistle advised that only parish residents would be permitted to be buried there with some exceptions for those who had recently left, for example to reside in a nursing home.
15. Councillor Hilary Cole noted that the Parish Council was responsible for making provision for burial grounds within the area of their parish. She asked what consultation had been carried out with residents. Mr Birtwistle advised that there had been no formal consultation but informal feedback had raised a mix of views.
16. Councillor Garth Simpson enquired whether the car park might be used by the primary school for a park and stride scheme. Mr Birtwistle advised that this was not something the Parish Council had considered.
17. Councillor James Cole asked how a grass road would reduce the potential of urbanisation and whether it could be conditioned. Mr Smith advised that a membrane would be laid which allowed grass to grow through. Councillor James Cole asked if there would be restrictions on the height of memorials. Mr Birtwistle advised that the Parish Council would set limitations through production of a policy document.
18. Mr Keys in addressing the Committee raised the following points:
19. He was speaking on behalf of himself and other neighbours.
20. He had been aware of the informal proposal but the site had quadrupled in size since that point.
21. The Environment Agency had submitted a clear objection on the basis of the flood risk.

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22. The Parish Council had failed to communicate with Thames Water and had undertaken no detailed assessment of the archaeological implications.
23. The scale of the development was out of keeping with the needs of the parish.
24. There had been no proper evaluation of whether the existing burial ground could be extended.
25. The proposed burial ground would be vulnerable to vandalism.
26. He would personally fund the purchase of an alternative site.
27. Councillor James Cole commented that in the 1960s there had been an effort to flatten graveyards in order to make them easier to maintain so there might not be available plots. Mr Keys advised that no evidence to prove that assertion had been produced by the Parish Council.
28. Councillor Bairstow asked for more information on the flood risk. Mr Keys advised that there had been flooding in 2011 and 2014.
29. Councillor Hilary Cole noted that Mr Keys lived next door to a burial ground and asked him to clarify his objection to living opposite one. Mr Keys advised that he thought the site was too large, he did not like the car park and there was a risk of vandalism. Councillor Cole commented that the burial plots would not be filled immediately and therefore there would be minimal impact in the short term. Mr Keys expressed the view that the proposal would spoil the country village. Councillor Hilary Cole asked for Mr Keys' view on the potential of the proposed car park to alleviate some of the primary schools' traffic. Mr Keys commented that it was not the purpose of the application to resolve the school's parking issues.
30. Councillor Anthony Pick enquired whether the letter included in the update sheet constituted evidence that more burial plots were required. Mr Keys advised that he had only seen the letter that evening.
31. Councillor James Cole asked why Mr Keys suspected that the rain shelters in the proposed burial ground would be vandalised. Mr Keys advised that there had been vandalism nearby. Councillor James Cole asked whether the Parish Council could manage this by putting a barrier over the access. Mr Keys asked whether that could be conditioned but also commented that this would interfere with visiting the burial ground.
32. Dr McGeehin in addressing the Committee raised the following points:
33. He had lived in Compton since 1975 and acted as the Parish's representation on the Pang Valley Flood Forum.
34. The Environment Agency's conclusion that burials would not be below the water table supported the applicant's information.
35. The church's burial ground was not suitable and burial plots were underneath the water table. It was likely that any application to extend the existing burial ground would be refused.
36. There were no alternative sites for the proposed new burial ground.
37. Any archaeologically significant buildings would have been constructed away from the water course.
38. Mr Williams in addressing the Committee made the following points:
  - The existing burial ground would be full in two years.
  - Land had been gifted to construct a new burial ground.

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- The proposal would use an existing access and have a lockable entrance. There would be no loss of trees or use of lighting and would be used during church hours.
  - The development would be sustainable as it would meet the needs of the village.
  - There would be reduced traffic movements through the village.
  - Full landscape details would be provided if conditioned.
39. Councillor Beck asked whether a condition to require landscaping details would be accepted. Mr Williams advised that it would.
40. Councillor Clive Hooker asked whether there was sufficient funding to construct the burial ground. Mr Williams assured that there was sufficient funding to complete the project to a high standard.
41. Councillor Virginia von Celsing, speaking as Ward Member, in addressing the Committee raised the following points:
- She was surprised that the application had been recommended for refusal on landscaping grounds as the consultees had not objected subject to appropriate conditions being applied.
  - The burial ground would provide enough plots to meet Compton's needs for up to the next 100 years.
  - There would be hedging, a small footbridge and an ecological buffer included in the site.
  - There should be restrictions on the heights of gravestones.
  - The Parish Council should complete an archaeological survey if the application was approved.
  - There were no other sites and the Parish Council had received a generous offer by the owner of the site.
42. Councillor Pick enquired what the population of Compton was. Councillor von Celsing advised there were 2700 people in 900 dwellings and there was a Supplementary Planning Document to increase the size of Compton by 160 homes.
43. In response to a question from Councillor Simpson, Councillor von Celsing advised that there was only one church in Compton.
44. Following a request from Councillor Hilary Cole, Derek Carnegie read the detail on policies CS14 and CS19 which had been referred to in the officer's report. Councillor Hilary Cole expressed the view that the policies were aimed housing developments.
45. Councillor James Cole enquired whether the materials, height, bulk and landscaping could be conditioned. Derek Carnegie confirmed that they could.
46. Councillor Beck advised that he had given a lot of thought to the application and the views of the speakers who had addressed the Committee. He proposed that the Committee approve the application, contrary to the officer's recommendation, subject to the inclusion of conditions on archaeology, landscaping, limits on the height of headstones and the Highways condition in the update sheet. He expressed the view that policies CS14 and CS19 had been intended to guide housing developments and in his view their wording was agreeable to permit the proposed burial ground.
47. Councillor Pick seconded the proposal. He supported the remarks of Councillor Beck and expressed the view that the North Wessex Downs Area of Outstanding Natural Beauty

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(AONB) was manmade and policies to protect it sought to preserve its ambience. He believed the proposal to be compliant.

48. Councillor Simpson expressed the view that too much emphasis had been placed on the settlement boundary in the officer's report. The site was the only land available for the burial ground. Councillor Simpson expressed the view that conditions should be applied regarding low profile stones, hedges and screening the car park from the view of Church House and Church Farm Cottage.
49. Councillor James Cole expressed the view that if the correct conditions were applied the proposal would represent a good use of land.
50. Councillor Paul Hewer agreed that conditions were vital and that he would like to see the Parish Council continue to implement policies.
51. Councillor Hilary Cole, referring to CS14, expressed the view that the proposal constituted an effective use of land and could be considered to be public art. It would contribute to a restful resting place for Compton residents. The Parish Council had demonstrated a need for the burial ground and there was no better location.
52. Councillor von Celsing stated that she hoped only native plants would be used in the garden of remembrance.
53. Councillor Hooker expressed some concern regarding the height of the rain shelters but noted that these would be positioned against the tree line.
54. The Chairman invited the Committee to vote of the proposal of Councillor Beck, as seconded by Councillor Pick to decline officers' recommendations and approve planning permission. At the vote the motion was passed.

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

### Conditions

1. The development hereby permitted shall 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. The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- (i) Location Plan Z.02.11/04 Rev A received on 20/12/2016.
- (ii) Proposed plan and flood data Z.02.11/08 received via email from the agent on 19/09/2017.
- (iii) Section thro' proposed extension to churchyard to indicate finished levels Z.02.11/07 Rev E received via email from the agent on 07/08/2017.
- (iv) Plan and Elevations Z.02.11/06 received on 20/12/2016.
- (v) Wide Uni-Field Gate J7/02154 received on 11/01/2017.
- (vi) Planning, Design and Access Statement received via email from the agent on 05/04/2017.

Associated documents:

- (i) Survey of existing site Z.02.11/01 received on 20/12/2016.

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(ii) Groundwater aspects of the graveyard extension by Dr Peter McGeehin received via email from the agent on 09/02/2017.

All received with the application dated 02/12/2016 unless otherwise stated.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

3. No development to provide the rain shelters hereby permitted shall take place until a schedule of the type and finish of clay tile and timber cladding has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. 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 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

4. No development to provide the community art feature as shown on the drawing titled Proposed Plan and Flood Data (Z.02.11/08) shall commence on site until full details including elevations and details of materials are submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the art feature is visually attractive and responds to local character. 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).

5. No development or site works shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

6. No external lighting shall be installed on the site without the prior approval in writing of the Local Planning Authority by way of a formal planning application made for that purpose.

Reason: To protect the amenities of adjoining land users and the character of the area. The area benefits from dark night skies, with limited street lighting. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in

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accordance with the National Planning Policy Framework (March 2012) and Policies CS14, CS19 and ADPP5 of the West Berkshire Core Strategy 2006-2026.

7. The development permitted by this planning application shall be carried out in accordance with the Design and Access Statement written by Mursell & Company Limited (received via email from the agent on 05/04/2017) and the following mitigation measures:

1. The clear span bridge shall be built in accordance with the drawings in Appendix D of the Design and Access Statement.
2. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
3. The abutments of the bridge shall be set back from the bank top of the River Pang by 1.5-2m.

Reason: This condition is sought in accordance with paragraph 103 of the NPPF to ensure that the property is suitably protected from flooding up to the 1% Annual Exceedence Probability with an appropriate allowance for climate change flood event and in accordance with policy CS16 of the West Berkshire Core Strategy (2006-2026).

To conserve/enhance biodiversity in accordance with policy CS17 of the West Berkshire Core Strategy (2006-2026).

8. No development shall take place until a scheme for the provision and management of a minimum 4 metre (minimum) wide buffer zone, measured from the bank top of the River Pang shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including out-buildings, car parking, hard-standing and lighting.

The scheme should include:

- Plans showing the extent and layout of the buffer zone, scaled so as to show the distance from the bank top of the river.
- Details of any proposed planting scheme, which should be of native species appropriate to this location.
- Details demonstrating how the buffer zone will be protected during development, e.g. by temporary fencing and according to Environment Agency Pollution Prevention Guidelines.
- Details of how the buffer zone will be managed/maintained over the longer term in order to enhance its' ecological value.
- Details of any ecological enhancements to the watercourse and its' river corridor.
- Details of any fencing, lighting etc. that could impact on the buffer zone. Artificial lighting near watercourses should be avoided but where it is required it should be directional and focused with cowlings (for more information see Institute of Lighting Professionals (formerly the Institute of Lighting Engineers) "Guidance Notes For The Reduction of Obtrusive Light".

Reason: Land alongside watercourses is particularly valuable as a corridor for wildlife. This condition is necessary to ensure the protection of wildlife and supporting habitat and

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secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

9. No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedule 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 landscaping within the first planting season following the completion of the development; and
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

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

10. 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 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.

11. No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the



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objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

12. No development or other operations shall commence on site until details for the protection of the root zones of trees to be retained with regard to the proposed access, hard surfacing, drainage and services providing has been submitted to and approved in writing by the Local Planning Authority.

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 2006-2026.

13. No development shall take place until full details of how all spoil arising from the development will be used and/or disposed of 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 inappropriately 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 ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

14. No development shall take place until details of the improvement to the surface of Compton Footpath 10 and its maintenance have been submitted to and approved in writing by West Berkshire Council's Rights of Way Team. The improved section of footpath shall be provided and maintained to the approved details thereafter.

Reason: To protect the public right of way. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

15. No development shall take place until details of all access(es) into the site have been submitted to and approved in writing by the Local Planning Authority. This will include the vehicular access being widened to 4.8 metres whenever possible and the provision of parapets or appropriate edge structures on the culvert. The use shall not commence until the access has been constructed in accordance with the approved details.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire

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Core Strategy (2006-2026) and Policy Trans.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. 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 5 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), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy Trans.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17. The development shall not be brought into use until visibility splays of 2.4 metres by 43 metres have been provided at the access. 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), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy Trans.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plan. The parking and turning space shall thereafter be kept available for parking (of private motor cars and 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).

19. The use hereby permitted shall not commence until details of the maximum size, including overall height and profile, of gravestones and/or memorials to be erected are submitted to and approved in writing by the Local Planning Authority. The gravestones and memorials shall thereafter be provided in accordance the approved details.

Reason: To ensure the memorials and gravestones are appropriate to the character of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **34. Appeal Decisions relating to Western Area Planning Committee**

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

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*(The meeting commenced at 6.30 pm and closed at 8.15 pm)*

**CHAIRMAN** .....

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