

# DRAFT

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## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 12 JUNE 2019

**Councillors Present:** Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Jeff Cant), Hilary Cole, James Cole (Substitute) (In place of Howard Woollaston), Carolyne Culver, Clive Hooker (Chairman), Claire Rowles and Tony Vickers

**Also Present:** Derek Carnegie (Team Leader - Development Control) and Jeffrey Ng (Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Jeff Cant and Councillor Howard Woollaston

#### PART I

#### 4. Appointment of the Vice Chairman for the Municipal Year 2019/20

**RESOLVED** that Councillor Tony Vickers be elected Vice-Chairman of the Western Area Planning Committee for the 2019/20 Municipal Year.

#### 5. Minutes

The Minutes of the meetings held on 13 March 2019 and 21 May 2019 were approved as a true and correct record and signed by the Chairman.

#### 6. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett, Jeff Beck, James Cole, Carolyne Culver, Claire Rowles and Tony Vickers declared an interest in Agenda Items 2, 3 and/or 5, but reported that, as their interest were 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.

#### 7. Schedule of Planning Applications

##### (1) Application No. and Parish: 18/01441/HOUSE - Hayward Green Farm, West Woodhay, Newbury, Berkshire

This item was withdrawn from the agenda after it was published.

##### (2) Application No. and Parish: 19/00411/REM - Garden Land at 5 Normay Rise, Newbury

*(Councillors Phil Barnett, Jeff Beck and Tony Vickers declared a personal interest in Agenda Item 3 by virtue of the fact that they were members of Newbury Town Council and their Planning and Highways Committee. Councillor Beck had been present when the application was discussed, but would consider the application afresh. 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 Vickers had been lobbied on this item.)*

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1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/00411/REM in respect of a reserve matters application for a new dwelling with integral garage of appeal reference APP/W0340/W/17/3191372 (17/01808/OUTD). Matters to be considered: Appearance, Landscaping, Layout and Scale at garden land at 5 Normay Rise, Newbury.
2. 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 firmly recommended the Committee grant planning permission.
3. In accordance with the Council's Constitution, Ms Diane Hill and Mr Kevan Williams, objectors, and Mr Robert Megson, agent, addressed the Committee on this application.
4. Ms Hill and Mr Williams in addressing the Committee raised the following points:
  - Ms Hill was speaking on behalf of her mother who lived adjacent to the site.
  - Although the principle of the application had been authorised through appeal, this application had not. The Committee were asked to reject the application due to its form and scale which would lead to a cramped overdevelopment of the site.
  - The proposed dwelling would overhang the property boundary.
  - The proximity of the property at 21m would impact on Ms Hill's mother's privacy and if the Committee were minded to approve the application they should change the application to be a bungalow.
  - Mr Williams had lived adjacent to the site for 1977.
  - The proposed design was not in-keeping with the neo-Georgian appearance of the rest of the area which had originally been known as the Battledean Estate.
  - The position of the proposed dwelling was one metre forward of the established building line.
  - Newbury Town Council's representations regarding the application were submitted ahead of the deadline and therefore would not have taken all public views into account.
1. Councillor Tony Vickers asked Ms Hill if she was aware that the Council's policy allowed a 21m gap between properties. Ms Hill advised that she was aware and that she knew the policy had been deemed controversial.
2. Councillor Vickers asked if Mr Williams agreed that Normay Rise did not have a clear building line. Mr Williams responded that his neighbour had not been permitted by the Council to extend their property to the front because of the building line.
3. Councillor Adrian Abbs asked how Ms Hill knew the distance between the properties would be 21m. Ms Hill advised that she had scaled up the plans.
4. Councillor Phil Barnett stated that the area was known for being flooded and he asked how the area was affected in 2007. Mr Williams reported that the bottom of the road was in a flood zone and in his opinion 5 Normay Rise would be more susceptible to flooding upon construction of the house.
5. Mr Megson in addressing the Committee raised the following points:

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- The previous application had been recommended for approval by officers but the Committee had refused the application. At appeal the Planning Inspector had granted the appeal subject to conditions.
  - A 21m privacy distance usually referred to a back-to-back distance whereas the case in this application was that the properties would be at an angle to each other.
  - No objections had been submitted by statutory consultees.
6. Councillor James Cole asked whether Mr Megson was disputing that the distance was 21m. Mr Megson responded that the distance between the two properties would be 21m however this was at an angle and the Council's policy specified that was the minimum distance for houses back to back.
  7. Councillor Abbs asked what the distance would be from the front of the property to a property opposite. Mr Megson advised that the property would face Willowmead Close.
  8. Councillor Carlyne Culver asked about the position of the bathroom window. Mr Megson replied that usually a condition would be applied to ensure the bathroom window was non-opening and obscure glass.
  9. Councillor Vickers in addressing the Committee as Ward Member made the following points:
    - The proposed design was not in-keeping with the neo-Georgian estate.
    - The size of the proposed dwelling was not suitable.
    - The site was suitable for development but the application was not appropriate.
    - The applicant had advised that they would live in the property and so the development would be exempt from Community Infrastructure Levy (CIL). Councillor Vickers felt that the system might be easy to manipulate.
  10. Turning to questions to officers, Derek Carnegie was invited to respond to the comment about CIL. He advised that matters regarding CIL were not relevant in determining the planning application.
  11. Councillor Abbs asked whether the 21m distance posed a privacy issue. Derek Carnegie advised that the site was in a close knit estate and the impact was not so significant that it would stand up as a reason to refuse the application should the matter go to appeal.
  12. Councillor Hilary Cole wished to clarify that previously the Committee had refused the application against officer recommendation. Derek Carnegie confirmed this was correct.
  13. Councillor Jeff Beck asked that if the Committee were minded to approve the application that an hours of work condition be applied.
  14. In response to a question from Councillor Culver, Derek Carnegie confirmed that the bathroom window would be non-opening.
  15. Councillor Abbs asked whether there was an established building line in the area. Derek Carnegie advised there was no clearly defined line and as large front gardens were common in the area a property being brought forward by 1m would not have a significant impact.
  16. Councillor James Cole asked whether the difference in design of the proposed dwelling to its neighbours would matter to a Planning Inspector at appeal. Derek Carnegie advised that the issue had not been raised in the appeal

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decision letter for the previous application and he did not see the matter as a reason to refuse the application.

17. Councillor Abbs, returning to the matter of the building line, asked whether a precedent had been set in the case cited by the objector. Derek Carnegie stated that planning guidance changed regularly and in his professional opinion it would not be appropriate or enforceable to apply a building line to the area.
18. Councillor Culver enquired upon the Tree Officer's opinion that conditions 6 and 7 could not be discharged. Derek Carnegie confirmed that the matter would be resolved by officers.
19. Councillor Abbs asked whether the Tree Officer had been involved with the application prior to the removal of the diseased oak tree on the site. Derek Carnegie confirmed that the Tree Officer had been involved throughout the application.
20. In commencing the debate Councillor Vickers expressed the view that the proposal was not in-keeping with the design of the area and was too big for the plot. While the Planning Inspector had confirmed that a dwelling could be developed on the plot this was not the right proposal. Councillor Vickers proposed that the Committee reject the officer's recommendation and instead refuse planning permission. Councillor Beck seconded the proposal.
21. Councillor Barnett expressed the view that the development was too large and would stand out whereas a smaller development might be acceptable.
22. Councillor Hilary Cole stated that the Committee was in a difficult position but the application allowed by the Planning Inspector had been in outline there had been no indication of its form or size. The design was insensitive to the rest of the area. The National Planning Policy Framework guided Planning Authorities to consider design and refusal would be legitimate on the grounds that it was not in-keeping.
23. Councillor James Cole stated that the application should be refused because it was too big but there should be a house on the site.
24. Derek Carnegie warned the Committee that should they refuse planning permission and the decision was appealed the Planning Inspector might allow the appeal and the Council could be liable for costs.
25. Councillor Claire Rowles expressed the view that the house would look crammed in. Derek Carnegie advised that properties in the area were close-knit.
26. Councillor Vickers agreed that the property would look crammed in to the plot whereas the rest of the estate was spacious with properties set back from the road.
27. The Chairman invited the committee to vote on the proposal of Councillor Vickers as seconded by councillor Beck. At the vote the motion was carried with three abstentions.

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

### **Reason**

The proposed dwelling is too large for the plot of land and the design does not relate to or respect the Neo-Georgian style of the rest of the immediate neighbourhood. The

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proposal does not respect the established building line of adjacent properties and the scale of the proposal will result in an adverse impact on the privacy and the amenities of neighbouring properties.

### (3) **Application No. and Parish: 19/00806/HOUSE - 24 Donnington Square, Newbury**

*(Councillor Vickers had been lobbied on this item.)*

1. The Committee considered a report (Agenda Item 5(3)) concerning Planning Application 19/00806/HOUSE in respect of a three storey side extension and new porch at 24 Donnington Square, Newbury.
2. 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 recommended the Committee grant planning permission.
3. In accordance with the Council's Constitution, Mrs Charlotte Hawkins and Mr David Peacock, objectors, and Mr Gareth Davies, applicant, and Mr Matt Taylor, agent, addressed the Committee on this application.
4. Mrs Hawkins and Mr Peacock in addressing the Committee raised the following points:
  - The extension did not mirror the extension of the adjoining property.
  - No conservation report had been undertaken.
  - It did not enhance the appearance of the area.
  - There would be a loss of the open aspect to the front Mrs Hawkins' property. It was already overshadowed and the impact would increase if the application was allowed.
  - Donnington Square was its own conservation area.
  - Comments from the Newbury Society had been misrepresented.
5. Councillor Jeff Beck stated that Ms Hawkins had provided a report written by Harrison Duckett Associates (HDA) which she mentioned at the site visit but noted it was not referenced in the update report. Ms Hawkins responded that the case officer had advised that the report might not be circulated to the Committee which is why she sent it on.
6. Councillor Phil Barnett asked how the extension of number 25 was different to the proposal. Ms Hawkins advised that it was narrower and had a different roof.
7. Councillor Abbs asked how much additional overshadowing would be caused by the proposed extension. Ms Hawkins responded that it would be around 30 minutes in the morning however the modelling provided by the applicant only showed 2 hour blocks.
8. Councillor Tony Vickers asked whether the applicant had discussed the plans with Ms Hawkins. She responded that they had after the plans were submitted.
9. Councillor Carolyne Culver asked what width the extension would be versus the existing extension at number 25. Ms Hawkins advised that 25's extension was 2.5m whereas number 24 proposed a 3.6m extension.
10. Mr Davies and Mr Taylor in addressing the Committee made the following points:

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- Mr Davies planned to live in the property and wanted to make space for his family.
  - He recognised the historic importance of Donnington Square and wanted to improve the street scene.
  - The extension would be 10cm narrower and 2.5m shorter than the extension of 25 Donnington Square.
  - Ten objections had been submitted in respect of the original application. Only two objections remained in respect of the revised plans.
  - The new extension would be visually indifferent to the extension at 25 Donnington Square.
  - The additional overshadowing on neighbours at number 23 would be minimal and occur in the early hours of the Winter.
11. Councillor Abbs enquired why the 23's conservatory was not shown on the shadow study and how much additional time the property would be in shadow. Mr Taylor responded that the overshadowing impact of the proposal was immaterial and it could not be described in time; the diagrams would need to be referred to.
  12. Councillor Rowles noted that the additional height might not have a significant impact but the additional width would and asked if it would equate to 30 minutes. Mr Taylor advised that the extension would be set back from the front of the house and was not overly wide and would make a minor difference to the overshadowing already caused by the house.
  13. Councillor Beck asked whether the applicant was aware of the HDA report Ms Hawkins had provided to him and the case officer. Mr Taylor advised that he was aware but it was not on the website.
  14. Councillor Beck expressed frustration that the HDA report had not been included as part of the update report. Derek Carnegie offered reassurance that the case officer had taken into account the report.
  15. Councillor Clive Hooker proposed deferral of the decision until all Members had seen a copy of the report. This was seconded by Councillor Vickers.
  16. Councillor James Cole stated that as the Council's Heritage Champion he was disappointed not to see much mention of heritage issues in the report. Derek Carnegie reported that a significant comment was included on page 64 of the agenda.
  17. Councillor Abbs made a query about rear access to the garden; Derek Carnegie confirmed this was not a planning issue. Councillor Hilary Cole advised this matter was discussed at the site visit.
  18. Councillor Vickers expressed the view that the application should include a Heritage Assessment.
  19. The Chairman invited the Committee to vote on his proposal as seconded by Councillor Vickers to defer the application. At the vote the motion was carried.

**RESOLVED that** the decision be deferred.

Following the vote Councillor Barnett expressed the view that Mr Peacock, who represented the Newbury Society, should be permitted to speak in a distinct group as a statutory consultee, rather than share the time with the other objector. *(Post meeting note: The Newbury Society were not a statutory consultee and the Council's Constitution*

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*does not offer statutory consultees their own five minute slot to address the Committee; they would be expected to share their time with other speakers in their category.)*

### **(4) Application No. and Parish: 19/00108/FULD - Land North of 4 and South of 8 Edgecombe Lane, Newbury**

This item was withdrawn from the agenda after it was published.

### **(5) Application No. and Parish: 18/03398/HOUSE - Winterley House, Kintbury**

*(Councillor Claire Rowles had been lobbied on this application.)*

1. The Committee considered a report (Agenda Item 5(5)) concerning Planning Application 18/03398/HOUSE in respect of two storey and single storey extensions at Winterley House, Kintbury.
2. 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 unsatisfactory and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
3. In accordance with the Council's Constitution, Mr Markus McNally, applicant, and Mr Frank Dowling, agent, addressed the Committee on this application.
4. Mr McNally and Mr Dowling in addressing the Committee raised the following points:
  - The property was not a listed building or in a Conservation Area and there was no mention of any historic interest in any property searches. It was being referred to as a non-designated asset by the Council, a phrase which had no legal meaning.
  - The Planning Inspector who determined the appeal was not a specialist in historic buildings.
  - The property was of Georgian origin and had been extended and altered throughout its life to meet the wishes of successive owners and now had a muddled internal layout. Improvements were required and the best features would be preserved.
  - The application had been revised from the version seen by the Planning Inspector. The extension had been set back and down so it was distinguished and subservient to the main part of the property. Details and materials would match the main part of the house and enhance the property.
  - The applicant was committed to the local area and wanted to make the property larger for his family.
5. Councillor Adrian Abbs enquired upon the heritage status of the property and noted that previously there was a grade three listing for buildings, which was removed in the 1980s. Mr Dowling advised that some properties had been upgraded to Grade two when grade three status was removed and others were removed entirely from the list unless in a Conservation Area. Some Councils held local lists.
6. Councillor James Cole and Claire Rowles in addressing the Committee as Ward Members raised the following points:

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- The property was not Georgian. One quarter of the ground floor was the original Georgian, one quarter was mid-Victorian and the remaining half was modern.
  - The 'nice bit' of the property was the modern part. The house was no a heritage asset.
  - Great weight was attached in the appeal decision to the property's status as a non-designated heritage asset. One day it might justify such a label.
  - The proposed extension was subservient to the main property.
  - Four Members present at the Committee had not undertaken a site visit and they should see the site in order to make a decision. The Committee should permit the application or defer in order to complete a site visit.
7. Councillor Tony Vickers asked why Councillor James Cole no longer thought the property was a heritage building. He responded that the property had changed over the years and the nice part was modern.
  8. Councillor Clive Hooker confirmed that Members could visit the property if they wished. Councillor Vickers reported he would like to see the property.
  9. Turning to questions for officers, Councillor Hilary Cole stated that she was mystified that the same criteria had not been applied to the Donnington Square application. Derek Carnegie stated that there was a clear difference to that case as there was a three page appeal decision from the Planning Inspector and it was not the place of the Local Planning Authority to overturn it.
  10. Councillor Hilary Cole advised that the proposed extension had been set back and down and questioned how different the application would need to be. Derek Carnegie responded that it had not been set down sufficiently.
  11. Councillor Rowles expressed the view that significant weight had been attached to the label as a non-designated heritage asset and asked how that term was defined. Derek Carnegie stated that the Planning Inspector had reported the impact of the extension on the character of the building as the main issue. Councillor James Cole challenged that the Inspector made the decision based on the information provided by the Council; Derek Carnegie confirmed that they would have made their own investigations.
  12. Councillor Vickers stated that the term 'non-designated heritage asset' had no legal meaning and asked whether assumptions could be made about the Inspector's information. Derek Carnegie advised that he was confident that all Planning Inspectors were qualified and would interrogate any information they were presented with.
  13. Councillor Hilary Cole expressed the view that the debate had been bogged down in the heritage issues when the comments of the Archaeologist and Conservation Officer also related to the bulk.
  14. Councillor Jeff Beck had proposed acceptance of the application at the previous meeting but had agreed to withdraw the proposal to enable the item to be deferred. Half of this new Committee membership had not been present at that meeting so he agreed that Members should have an opportunity to visit the site. Councillor Beck proposed that the item should be deferred. This was seconded by Councillor Barnett.



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15. The Chairman invited the Committee to vote on the proposal which at the vote was carried.

**RESOLVED** that the application be deferred.

**8. 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 8.42 pm)*

**CHAIRMAN** .....

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