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

WESTERN AREA PLANNING COMMITTEE

EXTRACT OF THE MINUTES OF THE MEETING HELD ON WEDNESDAY, 5 FEBRUARY 2020

Councillors Present: Adrian Abbs, Phil Barnett, Hilary Cole, James Cole (Substitute) (In place of Howard Woollaston), Carolyn Culver, Clive Hooker (Chairman), Claire Rowles and Tony Vickers (Vice-Chairman)

Also Present: Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control) and Jenny Legge (Principal Performance, Research and Consultation Officer)

Apologies for inability to attend the meeting: Councillor Howard Woollaston

Councillor(s) Absent: Councillor Jeff Cant

PART I

10. Declarations of Interest

Councillors Carolyn Culver and James Cole declared an interest in Agenda Items (4) 1, but 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.

11. Schedule of Planning Applications

(1) Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury

(Councillors Carolyn Culver and James Cole declared a personal interest in Agenda Item(4) 1 by virtue of the fact that they had been lobbied. 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.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/02144/FULD in respect of a Section 73: Variation of Condition 2 - 'Approved plans' of previously approved application 19/00277/FULD: Replacement dwelling.
2. In accordance with the Council's Constitution, Mr Anthony Stansfeld, supporter, and Mr Callan Powers (Fowler Architecture and Planning Ltd), agent, addressed the Committee on this application.
3. Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unacceptable and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.
4. Mr Stansfeld in addressing the Committee raised the following points:
 - Neither the Parish Council nor the District Councillor had objected to this proposal.

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- Three mansions had been built in Kintbury and West Woodhay in recent years, which made this proposal look like a small cottage.
 - It would be an unobtrusive house and would not be seen from the road.
 - Templeton Road was a private road.
 - Planning decisions needed to be consistent. He understood this was a large extension, but he could not see the harm in approving the application in this case.
 - He would have objected, as he had done in the past, if he felt the proposal was harmful.
 - As there were larger designs which had been approved in the area, he did not feel that this would be setting a precedent.
5. Mr Power in addressing the Committee raised the following points:
- The applicants apologised for not being able to attend the meeting.
 - This proposal was in addition to the extant permission, to the rear of the property.
 - This would be the family home for the foreseeable future and was not disproportionate, in his view. Overall the visual effect of the extension would be neutral.
 - The design was of a fall-back position and would be shielded from the road. The plot was ample and the visual impact would be insignificant.
 - The applicant had offered a range of measures that would mitigate the carbon impact, which the Committee and officers had no means to compel.
 - West Berkshire Council had declared a Climate Emergency and the extra measures offered by the applicant should be given extra weight by Members in their decision, as they exceeded expected standards.
 - Approval should be given as this would be an improved, environmentally sustainable site.
 - The removal of trees for the third parking space was included in the extant permission. There had been no objection made by the Highways or Tree officers.
 - He asked that the Committee follow the lead of the Parish Council and approve this application.
6. Councillor Claire Rowles asked whether the existing outbuildings on the site would be removed. Mr Powers answered that the small building to the east of the house, and the metal shed to the south, would be removed, however the two bay garage would remain.
7. Councillor Hilary Cole sought clarification as to why, when the original application had been approved in May 2019, that the amendments to the plan had been needed so soon. She conjectured that the applicant had always meant to build a house this size, but had felt that they would only get permission for the smaller design, and wanted two bites of the cherry.
8. Mr Powers explained that plans change. The family was large and they had decided that they wanted to stay in the area.
9. Councillor Tony Vickers inquired whether the applicant would agree to the extra measures towards reducing the buildings ecological footprint being conditioned, as a

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unilateral obligation. Mr Powers confirmed that the applicant was fully prepared to accept the Conditions.

10. Councillor Adrian Abbs asked whether there had been a significant change in the size of the family in the three months since the last application. Mr Powers confirmed that he was not aware of a massive explosion in the number of members in the family.
11. Councillor Abbs expressed his unease that Mr Powers had appeared to make a threat, that unless the Committee approved this design, the applicant would not make the same efforts towards energy efficiency for the extant permission, as they would do for the revised plans. Mr Powers observed that these measures were expensive and the applicant was under no obligation to include them in the building of the extant permission.
12. Councillor James Cole in addressing the Committee, as Ward Member raised the following points:
 - He was embarrassed that it had taken so long for this application to progress.
 - He had heard lots of noise about the size of the proposal.
 - At the site meeting it had been discussed whether there were any other properties in the vicinity that had increased their foot print by a similar, or larger amount. Members had been able to recall examples in West Woodhay and in Kintbury.
 - He did not want to keep talking about percentage increases, but this proposal was about 250%, however the property at Hayward Green Farm had been granted permission for a 750% increase.
 - However, it was not about percentages. This was a reasonable building for the size of plot. It sat well in its location and had no adverse impact on its neighbours.
 - When 'urbanisation' had been mentioned to the applicants, they had recoiled in horror at the idea. They would plant more trees, and had offered a commitment to reduce the ecological impact.
 - As West Berkshire Council could not force the applicant to build an eco-friendly house, it seemed silly not to accept this proposal. It was a much better building than the one that had already been approved.
13. Councillor Vickers concurred that he too had wondered about the idea of urbanising the area. The proposed site was next to a gateway and the function of the property was to act as a gatehouse, which traditionally were modest houses, close to the road. Councillor Cole revealed that the new design would fulfil this function in a better way.
14. Councillor Hilary Cole asked planning officers whether the outbuildings to be demolished had been used in the calculations for the percentage increase. Sian Cutts explained that they had not been included in the calculation for the amount of floor-space within the curtilage, but small buildings made small contributions. Councillor Cole noted that when officers were quoting percentages they should ensure they were accurate.
15. Councillor Rowles enquired as to whether the proposed building was at a different height to that of the extant permission. Sian Cutts confirmed that the proposed unit would have a lower ridge height. Councillor Rowles posited that, as the ridge height was lower, it would not be visible from the road. Sian Cutts explained that the north

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elevation would be visible and the building would be extended across the length of the plot and therefore more impactful due to its size.

16. Councillor Rowles noted that it had been previously agreed that three trees should be removed to allow for a third parking space. She questioned the Highways Officer about the need for a third parking space, when there was a two bay garage available. Paul Goddard explained that parking standards do not take garages into consideration.
17. Sian Cutts further informed the Committee that the Tree Officer had not raised a formal objection regarding the loss of trees to create a parking space. However he had commented that the removal of the trees and tarmacking of the area would urbanise the space, as it opened up this element of the site. This could be overcome by redesigning the entrance.
18. Councillor Vickers asked for confirmation as to whether Templeton Road was a public highway or a private road. Paul Goddard confirmed that it was public highway.
19. Councillor Carolyne Culver sought clarification as to what constituted a disproportionate increase. Sian Cutts explained that usually anything more than 100% was considered disproportionate. The original application was granted as officers took into consideration the landscaping, and that the property had been moved away from the road. On balance the applicant had designed a modest house in a large plot. However, this further application, which increased the size of the property to 250% larger than the original house, was disproportionate. Councillor Culver noted that this was a subjective opinion, rather than policy.
20. Derek Carnegie advised that officers had been generous in granting the first application, but this design was clearing breaching policy.
21. Councillor Cole questioned why the percentage increase was being discussed, as this criteria had been removed from the Housing Site Allocations Development Plan Document (DPD). Sian Cutts explained that using percentages helped to quantify the proportions. This was an application for a very large increase in the size of the property.
22. Councillor Abbs expressed the view that he was confused as some larger properties had already been approved, and yet other applications were considered disproportionate. He concurred with Councillor Hilary Cole that the small gap between the original application and the revision was odd, as the family's circumstances had not appeared to have changed.
23. Councillor Hilary Cole admitted that she was struggling with this application. Part of her role was to uphold policy. Members had agonised when writing the DPD about using the percentage proportion as a criteria, as opposed to how well the development sat within the site. She was irritated that the previous application had only been recently approved. She was disappointed that the AONB Board had not responded to the consultation, as they might have given the Committee some insight. West Berkshire Council had endeavoured to include a code for sustainable homes in the DPD, but government had put the code into Building Regulations, instead of Planning Policy.
24. Councillor Phil Barnett concurred with Councillors Cole and Abbs and did not want to beat about the bush. He could not see how the proposed development was going to have a great impact, and felt that it could enhance the area.
25. Councillor Barnett proposed to reject officer's recommendation and grant permission.

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26. Councillor Rowles commented that in terms of the timings for the original and the revised applications, that family circumstances do change, and this should not mar the Committee's decision. She did not feel that the agent had threatened the Members, but had in good faith shown that the applicant would do their bit for ecology. The Committee should encourage applicants to develop eco-friendly properties, as this was not enforceable through planning Conditions. She had grown up in Kintbury and knew the area well. The property was well screened by foliage and would not be seen from the road.
27. Councillor Rowles seconded the proposal to reject officer's recommendation and grant permission.
28. Councillor Vickers felt that there would be no harm to the Area of Outstanding Natural Beauty or setting and that the site was 'oven-ready' with regards to screening. It would be a dereliction of duty to ignore the eco-friendly measures being offered and he was grateful for the applicant's commitment that went way beyond what policy asked for.
29. Councillor Cole read from the DPD, section 4.58, page 96 and quoted, "Similarly to the consideration of extensions to existing dwellings in the countryside; there are no rules that can be applied as to the acceptable size of a replacement dwelling. Any size increase has to be considered on the basis of the impact of a particular property in a particular location."
30. Derek Carnegie acknowledged that planning decisions were difficult and insisted that the depth of proportionality from the existing house was unacceptable in planning terms. As there was a clear breach of consistent approach and policy, if approved, this application would have to be referred to the District Planning Committee (DPC). He also noted that the green agenda was pursued through Building Regulations, not Planning Policy
31. Sharon Armour asked for Members to decide on Conditions before the vote. As the application was recommended for refusal, conditions had not been prepared by officers, but would be in place when it was submitted to the District Planning Committee. Paul Goddard suggested that Members might want to condition electric car-charging points, cycle storage and other eco-friendly measures relating to Highways. Sharon Armour suggested that a Section 106 could be used to enforce the environmental commitment. Derek Carnegie confirmed that officers would give the Conditions a more detailed examination before the proposal was submitted to the DPC.
32. Councillor James Cole asked that it be minuted, that he objected to what he considered to be a threat being made in advance of the vote that, if approved, the application would be referred to the DPC. Sharon Armour remarked that she did not consider the statement a threat, but rather that the officer was alerting the applicant that they had not yet been granted permission, as their application had to be re-considered by the DPC.
33. At the vote the motion was carried with five voting in favour, two against and one abstention.

RESOLVED that the Head of Development and Planning be authorised to refer the application to the District Planning Committee.