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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, 5 FEBRUARY 2020

Councillors Present: Adrian Abbs, Phil Barnett, Hilary Cole, James Cole (Substitute) (In place of Howard Woollaston), Carlyne 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

9. Minutes

The Minutes of the meeting held on 18 December 2019 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

Item 1, page 13, paragraph 19: ‘...damage to the tower’ to be replaced with ‘damage to the tow-path’.

Item 1, page 15, Condition 7: ‘...a further waterway wall shall...’ to be amended to read ‘...a further waterway wall survey shall...’

Councillor Carlyne Culver queried if the enforcement action, mentioned in Item 1, page 10, paragraph 27, had been taken. Derek Carnegie explained that he had spoken to Planning Enforcement about the matter.

The Minutes of the meeting held on 15 January 2020 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following at the beginning of Item 1, page 32:

(Councillor Tony Vickers, Deputy Leader, in the Chair)

10. Declarations of Interest

Councillors Carlyne 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.

Councillors Adrian Abbs, Phil Barnett and Tony Vickers declared an interest in Agenda Item(4) 2, 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.

All Councillors declared an interest in all Agenda Item(4) 4 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.

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The Chairman reminded Mr Smallman, the agent for Item(4) 4, that no new information should be introduced after the deadline of five clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002), as this would give an unfair advantage over the other speakers.

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.
 - 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.

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- 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 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.

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- 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 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 Carlyne 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.

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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.
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,

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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.

(2) Application No. and Parish: 19/02820/FULD, 67 Andover Road, Newbury

(Councillors Tony Vickers and Phil Barnett declared a personal and prejudicial interest in Agenda Item 4(2) by virtue of the fact that they were members of the Newbury Town Council and served on its Planning and Highways Committee. 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 Adrian Abbs declared a personal interest in Agenda Item(4) 2 by virtue of the fact that he was Ward Member. 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.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/02820/FULD in respect of a new dwelling on land at 67 Andover Road, Newbury.
2. In accordance with the Council's Constitution, Mr Nigel Foot, Parish Council representative, Mr Anthony Pick and Ms Jackie Milsom, objector, and Mr John Kane and Ms Annika Hatchwell (Inspiration Chartered Architects), applicant/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. The Chairman thanked the planning officer for their presentation and invited the Highways officer to expound on his part of the report. Paul Goddard confirmed that he had no objections to the proposal.

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5. Mr Foot in addressing the Committee raised the following points:
 - The Town Council had listened to the arguments and considered the messages, and had voted to raise no objection.
 - They felt the distance between the terrace and the proposed development was sufficient, as it was less than the distance to the existing house to the left of the terrace.
 - The aspect from Andover Road was minimal, as only the gable end of the house would be seen. Compared to the house to the left of the terrace, this proposal was less obtrusive as it was set back and was hidden by shrubbery.
 - From the Erleigh Dene aspect, they did not feel there would be any impact on the street scene.
 - There had been adequate space left at the rear to safeguard the trees, and landscaping plans would provide for shrubbery to soften the view.
 - When the application had come before the Town Council they had felt that it might enhance the view from the Andover Road as the development would be set back, and the shrubbery currently masking the terrace would be reduced.
 - This was a passive house, which they supported in the light of the announced Climate Emergency.
6. Councillor Carolyn Culver asked for the Town Council's view on the materials being used and whether they were in keeping with the surroundings. Mr Foot remarked that this had been discussed. The Town Council were keen on the passive house design and the provision of shrubbery, and felt the scale of the design would not have an adverse impact. Councillor Culver questioned whether the shrubbery mitigated the visual harm caused by the use of the proposed materials. Mr Foot explained that it would be softened. They had been impressed by the passive house, and its provision required certain configurations.
7. Councillor Tony Vickers inquired, as this was a passive house, whether the applicant would be open to it being conditioned and therefore enforceable. Mr Foot replied that the applicant was very sensitive to the fact that a Climate Emergency had been called, and would do their best to build a passive house.
8. Ms Milsom and Mr Pick in addressing the Committee raised the following points:
 - Ms Milsom was resident at No.63 and was speaking on behalf of the other residents of the terrace and locality.
 - She had lived at No.63 for 30 years and understood how to look after a listed building. No.61 had recently been lovingly and carefully restored.
 - She had stood in the garden and considered it of a decent size for a four bedroomed house, but could not image how the curtilage could accommodate another three bedroomed house, and have space for two gardens. It was saddening and depressing.
 - It was the council's policy to retain heritage assets, and to conserve and enhance their setting.
 - This proposal would detrimentally impact on the terrace. The argument that it would have less impact than No.59, the chalet bungalow to the left of the terrace, was nonsensical. No.59 had been built two years before the terrace had become listed, was wholly behind the line of the terrace and had a lower ridge height. The

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proposed development was two metres behind the front wall and had a ridge height higher than the terrace. It would be dominating and block light for No.67.

- The distinctiveness of Andover Road, lay in that it was a garden suburb, gateway road. The two small gardens proposed would be completely out of keeping.
 - However desirable a passive house was, its design did not meet the National Planning Policy Framework (NPPF) or the Newbury Town Design Statement (NTDS). Protecting a heritage asset should not be neglected in favour of financial gain.
 - Mr Pick noted that the Newbury Society had offered a strong objection to the proposal. There were few, if any, eighteenth century properties in Newbury still used for residential purposes.
9. Councillor Tony Vickers queried whether the view of No.67 was obscured by shrubbery. Ms Milsom replied that there was a large laurel bush that obscured the ground level, but the upper level and roof were visible.
10. Councillor James Cole asked the objectors to explain more about the significance of the terrace as a heritage asset. Mr Pick observed that many properties built in the eighteenth century in Newbury were now used for commercial purposes. He was not aware of any others that were still occupied by residents. The terrace was of exceptional heritage value to the town, and this included the setting and curtilage.
11. Councillor Carolyne Culver noted that there had only been ten objections submitted to the Committee, but thirty members of the public had supported the application. Mr Pick explained that the objections were made by local people, but the supporters were not.
12. Ms Hatchwell and Mr Kane in addressing the Committee raised the following points:
- Ms Hatchwell explained that the application was in line with policy and was delivering an urban provision for new housing.
 - There would be no harm caused to the trees. This was a high quality design that was taking into account the Climate Emergency.
 - The objections raised were based on personal opinion, and no objection had been raised by the Town Council.
 - As this was a gateway road, any opinion of any resident of Newbury was just as valid as that of the neighbours.
 - There would be no loss of greenery and the leylandii trees would be replaced with a superior tree.
 - The development was set back by two metres and there would be no loss of symmetry to the terrace.
 - The materials being used would allow the terrace to stand out and would reflect the great range of architectural style of the surrounding houses.
 - Mr Kane continued that he and his wife were classically trained musicians who had lived in Newbury for 30 years. They had raised their children and been involved in the community.
 - They believed this to be a beautifully designed passive house, which would be built in their own garden.

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- They had cared for their own house and, although they respected their neighbours' views, they sincerely would not wish to detract from the terrace. They considered that this development would enhance the terrace.
 - They wanted to create a sustainable, town centre house for themselves in a wasted corner of their garden. It would not be overlooked or seen by neighbours.
13. Councillor Phil Barnett noted that the objectors had referred to the NTDS and wondered whether this had been taken into account. Ms Hatchwell confirmed that it had, but that the design came down to what was appropriate and what was a priority.
 14. Councillor Carolyne Culver inquired as to what would be used to replace the leylandii, and how long it would take to grow to the able to screen the property. Ms Hatchwell commented that this would be agreed with the Tree Officer. She also noted that the first application had been withdrawn to allow for more space to be made available for trees.
 15. Councillor Adrian Abbs in addressing the Committee as Ward Member raised the following points:
 - He was speaking on behalf of David Marsh, who had been unable to attend the meeting.
 - David Marsh had been open-minded and had given the application a fair hearing, but on-balance he would oppose the proposal.
 - It was in the wrong place and out of keeping, despite the environmental design.
 16. Councillor Abbs asked officers to clarify the distance between the terrace and the proposed development. Sian Cutts explained that the distance was 9m at the closest point, but front edge to front edge was 11.5m.
 17. Councillor Claire Rowles inquired as to the distance to the chalet bungalow to the left of the terrace. Sian Cutts explained it was 7.5m, but it was stepped back significantly, had a lower ridge height and was topographically at a lower level.
 18. Councillor Culver inquired as to the recommended amenity space for a property. Sian Cutts explained that it was 100 square metres for a three bedroomed house and that she was satisfied that there was space for both houses.
 19. Councillor James Cole remarked that he took every application on its own merits, even though he was the Heritage Champion. The eighteenth and, in part, nineteenth century residential terrace was in good shape. The debate was mostly about the setting. The chalet bungalow to the left of the terrace was set way back.
 20. The council had a duty to provide housing and the design may be good, but the development was in the wrong place. The heritage aspect trumped the environmental design. The council also had a duty to protect the heritage of the district.
 21. The new house would damage the setting and the proposed materials did not suit the setting.
 22. Councillor James Cole proposed to accept officer's recommendation and refuse planning permission.
 23. Councillor Vickers explained that he knew both the applicant and the next door neighbour and might therefore not be able to vote on this item. He did not think the decision was clear. This was an important heritage building and the setting would be affected. All over Newbury there were examples of modern buildings, built with distinct materials and design which fit in with older architecture. He did not consider that the harm would be significant. Originally, the terrace had been surrounded by

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farm land. He considered the quality of the design and applauded the commitment to go over and above with the energy efficient design.

24. Councillor Barnett informed that Committee that he had lived in Andover Road and had seen great changes, but recognised there should be a balance of properties. Some developments had changed the street scene for the better, some had not. However, the terrace was unique. On balance he would vote to follow officer recommendations.
25. Councillor Rowles recognised that the street scene had changed. She felt strongly that the residents of the terrace had fought long and hard to protect the heritage asset. The space for the development was not a massive garden and the property would be sited a lot further forward than the chalet bungalow on the opposing side.
26. Councillor Rowles seconded the proposal to accept officer's recommendations and refuse planning permission.
27. Councillor Abbs made it clear how much he supported people who went over and above to provide energy efficient homes, however this could not be taken into account as a planning consideration when other priorities overrode. If the proposal had been smaller and stepped back further, he may not have worried. However, the development had been shoe-horned into the space. He would accept officer's advice.
28. Councillor Hilary Cole described the design as a super, innovative passive house, which in other circumstances would have swayed her decision. However this proposal was in the wrong place and would spoil the integrity of the terrace.
29. Councillor Culver concurred with Councillors Cole and Abbs and supported sustainable housing, and would encourage everyone to embrace energy efficient design. However, this was not an excuse to agree to put something in an inappropriate place, and not in keeping with the heritage of the area.
30. At the vote the motion was carried with one abstention.

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

Reasons:

1. Impact on listed building:

No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the setting of this listed building by unbalancing this symmetrical terrace. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the advice contained within the NPPF (20219).

2. Impact on the character and appearance of the area

No. 67 Andover Road is part of a terrace containing Nos. 61 - 67 Andover Road. The terrace is a Grade II listed late eighteenth century building, with a symmetrical Georgian facade. The symmetry of the terrace is further enhanced by the open space either side of the building. This open space makes an important contribution to the setting of this Grade II listed building, and the character and appearance of this part

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of Andover Road which is an important gateway to Newbury. The introduction of built form in this sensitive garden area, combined with the contemporary design of the new dwelling, and the use of visually competing materials, its forward location to the side road and corner, and the loss of verdant character of this part of the Andover Road street scene would seriously harm the character with the listed terrace and the dwellings within the immediate locality, and would be detrimental to the street scene, and the character and appearance of this important gateway to Newbury. The application is therefore contrary to policy CS14 and CS19 of the Core Strategy (2006-2026) and the Quality Design SPD (2006) and the Newbury Town Design Statement (2018).

(3) Application No. and Parish: 18/00797/OUTMAJ, Newspaper House and Units Q1 to Q6, Faraday Road, Newbury

The application was withdrawn and was not discussed at the Committee meeting.

(4) Application No. and Parish: 19/01281/OUTMAJ, Newspaper House, Plot Q and Units Q1 to Q6, Faraday Road, Newbury

(All Councillors declared a personal interest in Agenda Item(4) 4 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(4)) concerning Planning Application 19/01281/OUTMAJ in respect an outline application for demolition of existing Newspaper House and commercial buildings and redevelopment of the site for 71 flats and office accommodation together with parking and associated works. Matters to be considered: access, appearance, layout and scale.
2. In accordance with the Council's Constitution, Mr Nigel Foot, Parish Council representative, and Mr James Gurney (Newspaper House Holdings Ltd) and Mr Steven Smallman (Pro-Vision) applicant/agent, addressed the Committee on this application.
3. Lydia Mather 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. The Chairman thanked the planning officer for their presentation and invited the Highways officer to expound on his part of the report. Paul Goddard noted that there had been concerns regarding an increase in congestion, with an estimated 45-47 additional movements. However, with the changes to Fleming Road and the access to Faraday Road, it was felt that traffic would be sufficiently dispersed. He was content with the layout of the site, and believed the shortfall in the number of parking spaces (39) could be mitigated through a Parking Management Plan, where commercial and residential properties would share the spaces.
5. Mr Foot in addressing the Committee raised the following points:
 - The Town Council had listened to the arguments and commented that they were concerned about the proximity of the development to the A339, and the air and noise pollution this would cause for the residents of the flats.

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- He was also concerned about the flood risk and would be interested to see the Committee's deliberations, as there were clearly some more explanations required.
6. Mr Smallman objected to the Chairman raising with him, at the beginning of the meeting, the submission deadline for information to the Committee. He was unaware of the rule that information had to be submitted at least five clear working days before the meeting, and took offence that he was being accused of repeated unfair behaviour. This rule was not the norm for councils and had not been made plain to him.
 7. The Chairman offered his apologies if he had been mistaken and asked the Legal Officer to clarify matters.
 8. Sharon Armour explained that the rule was contained within government legislation and applied to all local authorities, not just the council, and was printed on the front page of the agenda, third paragraph. Mrs Armour read out the relevant paragraph.
 9. The Chairman reiterated that any information should be sent to planapps@westberks.gov.uk so that it could be processed.
 10. Mr Smallman in addressing the Committee raised the following points:
 - The regeneration of the London Road Industrial Estate (LRIE) had been a key strategic objective for West Berkshire Council for the last ten years. It had been delayed by problems and legal challenges.
 - He believed the Committee should actively support the development of this key location. It was a mixed use development, which was highly sustainable due to its closeness to the town centre.
 - It would provide new homes, office accommodation, rejuvenate the LRIE and provide a contemporary, high quality key gateway to the town.
 - It was fully aligned with policy and was a sustainable, effective use of previously developed land.
 - The plans had been worked on since 2016 and had twice been redesigned to alter the height, mass and scale.
 - The development would provide much needed office space, which had been lost in the town centre and replace the Newbury Weekly News site with high quality accommodation.
 - There had been no objection to the current scheme and one would expect the Committee to welcome and support the design. However the planning officers were now recommending refusal in response to criticism of the sequential test results. Pro-vision had not seen the report and were unaware of the officers decision, until its publication five days prior to the meeting.
 - He believed the criticisms of the sequential test were ill-conceived, and that planning officers had given too much weight to the Environment Agency's view in making their decision.
 - There were no reasonable, available sites in areas of lower flood risk. He felt it was appropriate to conclude that this site had passed the sequential test.
 11. Councillor Hilary Cole noted that Mr Smallman had very clearly explained why the Committee should approve the planning application, however he had not explained why the site had not been put forward for inclusion in the Housing and Economic

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Land Availability Assessment (HEELA). The deadline for inclusion had been extended specifically for agents to put forward sites such as this. Mr Smallman explained that a HEELA was the evidence base for the Local Plan to record vacant brown-field sites which could be released for development in the future. This site was ready for development now. There was no point in including it in the HEELA, as it should be released now.

12. Councillor Hilary Cole noted that the site was not in the current Local Plan, and that this therefore negated his argument.
13. Councillor Hilary Cole further questioned whether the site would be fitted with sprinklers, as required by The Royal Berkshire Fire and Rescue Service (RBFRS). Mr Smallman replied that this would be decided in the more detailed plan.
14. Councillor Tony Vickers asked for clarification as to whether the agent was indicating that he had not submitted the site to the HEELA, as it would have delayed the process if the site had been included. Mr Smallman explained that it was not a site that had to be allocated, as it was already in the process of being designed. He and officers had been working on the scheme for the last two or three years, and it had reached the point where it was acceptable. He therefore saw no reason to promote it to the HEELA, and delay development.
15. Councillor Phil Barnett addressed the concerns regarding the proximity to the A339 and queried whether the apartments would be properly insulated against noise and pollution. Mr Smallman advised that there had been discussion with Environmental Health Officers, and that the flats would be suitably ventilated and insulated.
16. Councillor Abbs pointed out that there was an existing development on the A339. Mr Smallman advised that there was existing consent on Faraday Plaza.
17. Councillor Jeff Beck in addressing the Committee as Ward Member raised the following points:
 - He had great sympathy with the Canal and River Trust who felt that the visual aspect of the development would be in the eye of the beholder. He felt that the appearance of the development needed further consideration.
 - With regards to flooding, there was concern over the Environment Agency's view about the sequential test and the flood plain. Water did not stop at the red line on a plan. He understood this would impose severe restraints on developing the area.
 - He was concerned that the RBFRS had not resolved the issue of how residents would be rescued should there be a flood. Future residents and business owners might suffer difficulties in getting adequate or affordable insurance policies if this question were not resolved.
 - He endorsed the officer's recommendation for refusal.
18. Councillor Vickers asked if there had been any comment from the Civil Contingencies Officer on the Environment Agency's stance. Lydia Mather replied that she had requested additional comments from both the Civil Contingencies Officer and RBFRS, but had not yet received them.
19. Councillor Adrian Abbs queried whether any trees would be removed. Lydia Mather explained that this would be addressed by the Tree Officer as part of the Landscaping plan, should the application move to the next stage.
20. Councillor Claire Rowles requested clarification on the site parking and whether the Highways Officer had considered the consequences of the car park being flooded. Paul Goddard explained that the requirement for residents was 124 spaces, and for

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commercial use was 116, making a total of 240. However, there were only 201 spaces on the plan and therefore a shortfall of 39. If Members chose to approve the application, there would need to be a Parking Management Plan put in place. This would involve a shared parking, where commercial use would occur during the day and residential parking would use the spaces at night. Councillor Rowles commented that this plan was based on assumptions. Paul Goddard concurred that it would need to be controlled to be achievable. Councillor Rowles further averred that parking on the site was currently very tight, with no overspill facility. Paul Goddard noted that if Members saw parking as an area for concern, they could use it as a reason for refusal. He had not considered the consequences should the underground parking become flooded.

21. Councillor Rowles raised a concern that should the site flood, it would become an island and if the water was deep enough the vehicles would float and block emergency access.
22. Councillor Vickers advised that there was a stairway leading up out of the site. He conjectured that an emergency only bridge could be built to get residents away from the site.
23. Lydia Mather responded that there were suggested measures in place, however she had not received a response from the RBFRS.
24. Councillor Abbs inquired as to what was the delta between the existing number of vehicle movements, and the proposed development. Paul Goddard advised that there were 103 existing traffic flows and the increase would be 45-50 additional vehicle movements. He acknowledged this was an increase, however with the new road arrangements in the area, the traffic would be dispersed and the impact was not sufficient to raise an objection.
25. Councillor Abbs further questioned the level of flood protection provided by the flood alleviation schemes. Lydia Mather explained that due to the lifespan of the development, the Environment Agency advice was that where the development was being sited in Flood Zone 3, it therefore would have an annual probability of a 1 in 100 year flood.
26. Councillor Rowles asked for further explanation as to the affordable housing level. Lydia Mather explained that it was at a policy compliant level.
27. Councillor Hilary Cole expounded that the site would be assessed against the current Housing Site Allocations Development Plan Document (DPD) and had not been put forward for the HEELA as a brown-field site. There was nothing to prevent it being included so it could be considered properly. She was disappointed it had not been submitted as the consultation had been extended for this very reason. She did not accept that this site met the current policy requirements with regards to flooding, and could therefore not support it.
28. Councillor Abbs proposed to reject officer's recommendations and approve the application. He could not recall a better brown-field site in such a sustainable position, and did not consider the flooding objection as realistic.
29. Councillor Vickers seconded the proposal to reject officer's recommendation and approve permission. He felt that the sequential test explanation was too technical for Members, and considered the argument an unnecessary delay. He felt instinctively that this development was too strategic to refuse and would have enormous implications for Newbury.

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30. Sharon Armour asked the Committee what conditions it wished to include in addition to the Section 106, should they vote to approve the permission. Members answered that they were content with standard conditions, but noted conditions such as parking management, refuse storage management, noise mitigation and other matters would also need to be conditioned.
31. Councillor Rowles noted that the officer's recommendation to refuse was based on technical points and policy grounds, which were difficult to understand. She was nervous to go against recommendations on such a large scale development, when she did not fully understand the argument. She was finding this decision problematic as the development was great for housing, but she had concerns about policy and parking.
32. Councillor James Cole described how he was left feeling there was too much unanswered about flooding. He was loathe to vote against the application. He noted the concerns of the Canal and River Trust had not been addressed. He posited that as the design was not good enough, it should have been revisited.
33. Councillor Barnett noted that the location of the development meant that residents might not need to use a vehicle. However he had concerns that it was close to the A339 and would need adequate insulation. He thought that the car parking issue could be overcome and would be interested to see how this would be managed. In conclusion, he felt uneasy about the technical objections and was not prepared to vote against officer recommendation.
34. Councillor Culver was confused that flooding was only being discussed now, when this was a long term development. She concurred with fellow Members that, as this was a technical objection, she did not want to go against officer recommendations.
35. Councillor Abbs described that the flood diagram showed the site as an island, and either this situation had been mitigated, or it had not. He did not understand how the sequential test could indicate anything other than that the millions of pounds spent on flood defence mitigation, had resolved the risk of flooding in the area.
36. At the vote, the motion to reject officer's recommendations and grant planning permission was refused.
37. Councillor Hilary Cole proposed a further motion to accept officer's recommendation and refuse the application. Councillor James Cole seconded the motion. At the vote, the motion was carried.

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

Reasons:

The proposed residential development fails to demonstrate that there are no suitable and available alternative sites at a lower risk of flooding. The search area and methodology of the submitted sequential test are not accepted. As such the proposed development fails the flooding sequential test with regard to residential development contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, the National Planning Policy Framework 2019, and the Planning Practice Guidance.

The application fails to provide a planning obligation to deliver affordable housing. The application is therefore contrary to the policy CS6 of the West Berkshire Core Strategy 2006-2026, The Planning Obligations Supplementary Planning Document and the National Planning Policy Framework 2019.

12. **Appeal Decisions relating to Western Area Planning Committee**

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

(The meeting commenced at 6.30 pm and closed at 9.40 pm)

CHAIRMAN

Date of Signature