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WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 MAY 2020

Councillors Present: Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Jon Bowden (Senior Engineer (Drainage)), Andrew Giles (Tree Officer), Jenny Legge (Principal Performance, Research and Consultation Officer), Masie Masiwa (Planning Officer), Gordon Oliver (Corporate Policy Support), David Pearson (Team Leader - Development Control), Shiraz Sheikh (Principal Solicitor) and Simon Till (Senior Planning Officer)

PART I

1. Election of the Chairman

Jenny Legge invited Members of the Western Area Planning Committee to nominate and vote on the position of Chairman for the coming year.

RESOLVED that Councillor Clive Hooker be elected as Chairman of the Western Area Planning Committee for the 2020/21 Municipal Year.

2. Election of the Vice-Chairman

The Chairman invited Members of the Western Area Planning Committee to nominate and vote on the position of Vice-Chairman for the coming year.

RESOLVED that Councillor Tony Vickers be elected as Vice-Chairman of the Western Area Planning Committee for the 2020/21 Municipal Year.

3. Minutes

The Minutes of the meeting held on 5 February 2020 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

Item 10, Declarations of Interest, Page 7, First Paragraph, and Item 11, Schedule of Planning Applications, Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury, Page 8 First Paragraph

Councillor Claire Rowles noted that at the meeting she had stated that she had been lobbied on Inglewood Farm Cottage.

Item 11, Schedule of Planning Applications, Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury, Page 8, Fifth Paragraph

'Mr Power' should read 'Mr Powers'.

Item 11, Schedule of Planning Applications, Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury, Page 9, No 12, third bullet point

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Councillor James Cole, felt that the current wording did not fully represent his comments:

Original wording

Councillor James Cole in addressing the Committee, as Ward Member raised the following points:

- At the site meeting it had been discussed whether there were any other properties in the vicinity that had increased their footprint by a similar, or larger amount. Members had been able to recall examples in West Woodhay and in Kintbury.

The following amendment was suggested:

Councillor James Cole in addressing the Committee, as Ward Member raised the following points:

- At the site meeting the previous week it had been discussed that Councillor Adrian Abbs had queried whether there were any other properties in the vicinity that had increased their footprint by a similar, or larger amount. Councillor James Cole recalled examples in West Woodhay (Haywood Green) and in Kintbury and he commented that the Committee had heard the applicant's agent list a number of cases with appeal results.

Item 11, Schedule of Planning Applications, Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury, Page 10, No 13.

Councillor James Cole, felt that the wording did not fully represent his comments:

Original wording

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.

The following amendment was suggested:

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 James Cole revealed that the new building taken back away from the road would affect the view of the gate less than the old house.

Item 11, Schedule of Planning Applications, Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury, Page 11, No 20.

Councillors James Cole and Claire Rowles noted that "clearing breaching policy" should read "clearly breaching policy"

Item 11, Schedule of Planning Applications, Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury, Page 11, No 21.

Councillors James Cole and Claire Rowles felt that for clarity, the forename of the speaker needed to be included, therefore: "Councillor Cole questioned why the percentage increase was being discussed" should read "Councillor Hilary Cole questioned why the percentage increase was being discussed".

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Item 11, Schedule of Planning Applications, Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury, Page 11, No 29.

Councillors James Cole and Claire Rowles felt that for clarity, the forename of the speaker needed to be included, therefore: "Councillor Cole read from the DPD", should read: "Councillor Hilary Cole read from the DPD".

Item 11, Schedule of Planning Applications, Application No. and Parish: 19/02144/FULD, Inglewood Farm Cottage, Templeton Road, Kintbury, Page 11, No 33.

Councillors James Cole and Claire Rowles noted that the resolution was not as written:

RESOLVED that the Head of Development and Planning be authorised to refer the

The following amendment was proposed: "RESOLVED that the officer's recommendation be rejected and permission be approved.

Officers noted that for the reasons already stated that the Head of Development and Planning would refer the application to the District Planning Committee".

4. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett, and Tony Vickers declared an interest in Agenda Items 4(3) and 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.

All Councillors declared they had been lobbied on Agenda Item 4(1). All Councillors, apart from Councillor Adrian Abbs, declared they had been lobbied on Agenda Item 4(2).

5. Schedule of Planning Applications

(1) Application No. and Parish: 19/00832/REM, Land Adjacent To Summerfield, The Ridge, Cold Ash

(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda item 4(1) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee. They had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).

(All Councillors 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 19/00832/REM in respect of the approval of reserved matters following outline permission 16/02529/OUTD - Change of use of part of existing agricultural field to residential and the erection of 5 no. detached dwelling houses with ancillary garages, access, parking, landscaping and associated works. Matters seeking consent - Appearance, landscaping and scale
2. David Pearson 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 acceptable and a conditional

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approval was justifiable. On balance, officers recommended that the Committee grant planning permission.

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
4. In accordance with the Extraordinary Council resolution, written submissions had been received from Cold Ash Parish Council, Mr and Mrs Vanstone, Mr John Berry, Mr Paul Shave and Mr Bernard Clark, objectors, and Katherine Miles, agent.
5. Written submissions were read out by the Clerk to the Committee:

Parish Representation

The written submission of Bernard Clark, Vice Chair of Cold Ash Parish Council was read out as follows:

Let's start with the good news: West Berkshire Council OWN the hedge next to Summerfield. From the definitive map that Highways provided on 16th March, this is 100% certain.

By magnifying that map, it's easy to measure the width of West Berkshire's ownership of the verge, and the width of the hedge. (Also, there's a wire fence on the field side that delineates the boundary between the West Berkshire owned verge and the farmer's field).

So, the hedge is 100% within West Berkshire's verge, that's 100 per cent certain; West Berkshire Council OWN the hedge, as West Berkshire Officers have known for some time.

Why is this important? For two reasons.

Firstly, because West Berkshire, like all owners, have total rights over it. Preservation of the hedge is not only a planning matter, but under the control of any owner. Given that West Berkshire Council have publicly said that they want to take the lead in enhancing the district's arboreal heritage – planting thousands of trees – it's great news that they own this beautiful, important hedge. Because it's entirely in your power, Councillors, to preserve it or destroy it, at today's meeting. As owners.

It is your hands on the chainsaw.

The second reason your ownership is important, Councillors, is because the question then arises of the danger of being misled by the Senior Planning Officer, whose responsibility it is to provide you with an accurate, clear and impartial Report.

Please look at item 6.38 of the Planning Officer's Report.

That makes it appear like West Berkshire Council DON'T own the hedge.

We've read it to a dozen impartial people – that's what they thought.

You may feel it's been deliberately drafted to confuse, to seem like West Berkshire DON'T own the hedge, without actually saying that.

If so, you may wonder if it's wilfully disingenuous, designed to mislead you, elected Councillors. You're simply trying to do the best job you can, needing to trust Executive Officers to be clear and impartial, and to help you understand the truth.

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And --- if the report is demonstrably misleading on this key point, how can you trust it on others?

Well, that's most of our 500 words gone – on the hedge.

Except to say – our planning regulations do not allow the planning officer's report to be biased or misleading. By law it has to be balanced.

And that Parishioners of Cold Ash are outraged at how this development will fundamentally change the gateway into our village, with five massive houses. The scale, mass, uniformity, is completely out of keeping, especially bordering the AONB.

So please use the power vested in you by our democratic system to resoundingly vote this flawed application down, so West Berkshire can work together with us – the local community – and the developer, to come up with the right, sensitive solution for a beautiful location in our village.

Objector Representation

In accordance with the Extraordinary Council resolution, as multiple parties had made written submissions, an officer has provided a summary of the issues raised. The full submissions were made available to the Members of the Committee, and have been published alongside the Agenda for this meeting.

The summary of the written submissions of Mr and Mrs Vanstone, Mr John Berry, Mr Paul Shave and Mr Bernard Clark, objectors, was read out as follows:

'It is a legal principle that planning decisions may be quashed if the overall effect of the officer report significantly misleads about material matters and these are left uncorrected. The officer report does significantly mislead you about material matters relating to Mass, Context, Hedgerow, landscaping and AONB.

The Original Reserved Matters were refused in 2018 due to:

'The overall scale and massing of the new dwellings would be significantly larger and higher than existing dwellings within this part of the village.

'External appearance and massing would urbanise the village'

'Large dwellings on this prominent site would be out of character and detrimental to this rural village location'

'The scale of the buildings would adversely affect the amenity of existing dwellings'

The massing of the proposed dwellings is materially unchanged since then. Whilst there is a "Scale and massing" section in the latest officer report, it does not draw members' attention to the GEA or GIA figures. The paragraph 6.12 conclusion is based on incomplete analysis.

Gross External Area of each proposed house remains 39% larger than the average of surrounding dwellings on the southern side of The Ridge, where the building style comprises alternating bungalows and small houses. The proposed development would result in a monolithic slab of bricks and mortar, five equally-sized large houses that would not associate well with the existing eclectic mix of dwellings, and urbanise the eastern gateway.

In terms of context, the officer report is significantly misleading. The smallest GEA of the 5 proposed dwellings is 300m², with the average being 302m². By contrast, the GEAs of the two dwellings adjacent to the application site are only 188m² and 260m². The average GEA of the 11 surrounding dwellings is 240m². The context is thus one of dwellings with a much smaller GEA than the GEA of the 5 proposed dwellings.

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Hedgerow

The proposed access will destroy the majority of the existing frontage hedgerow that has incorrectly been defined as not being an important hedgerow on the basis of the flawed analysis of the criteria set out in the Hedgerow Regulations 1997.

Landscaping and AONB setting

The conclusions as to landscaping and AONB setting are tainted by the errors described above.

Previously Mr Derek Carnegie gave assurance that sound architectural design and planning judgement would be brought to bear to ensure sympathetic development of the site. The plans before you today are precisely what Councillors Pick, Bryant, Beck and Simpson warned of at that time.

A more appropriate scheme would include 1.5 storey houses with bungalows at either end. Residents are fully accepting of this development, so long as scale and mass are appropriate, and the existing hedgerow preserved intact.

The strength of local objection must be taken into account.

The misleading aspects of the officer report must be corrected and for the reasons set out above this application should be refused. ‘

The above representations are stated to be on behalf of Cold Ash Residents with specific endorsement by Mr and Mrs Vanstone, Mr John Berry and Mr Paul Shave.

In addition, the above summary incorporates a separate objection from Mr Bernard Clark.

Agent Representation

The written submission of Katherine Miles was read out as follows:

Policy HSA7 allocates the site for "5 individually designed dwellings" and requires:

- "Individual accesses ... provided from The Ridge in keeping with the local pattern" - The allocation plan clearly shows 5 separate points of access.
- "Built development confined to the higher ground along the road only".
- "The provision of a soft edge to the southern boundary of the site with tree planting".

Outline Planning Permission (16/02529/OUTD) was granted for 'The erection of 5 detached dwelling houses with ancillary garages, access, parking, landscaping" 24 October 2017.

The Approved Block Plan shows the three approved access points. The Approved Visibility Splay drawing and Condition 9 require visibility splays of 24m x 43m to be provided.

Paragraph 6.2.4 of the Officers report to the Western Area Planning Committee 15 March 2017 referred to the importance of the existing hedgerow within the street scene and concluded that the proposed three access points were "preferable to five individual driveways".

Importantly, the Outline Planning Permission established:

- The principle of development;
- The roadside hedge is an important feature;
- Three access points are acceptable (and preferable to the allocation requirement for five); and

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- There would be a need to remove hedgerow to achieve the required visibility splays to ensure highway safety and this impact was acceptable.

The remaining Matters for consideration now are:

- Scale
- Appearance
- Landscaping

Scale

There has been a significant reduction in height from the previous refusal. The submitted sections (see drawing no. 18-P0023-107 Rev E) demonstrate how the development will respect the prevailing character of two storey houses. The streetscene also shows how the proposed houses will respect the prevailing character of the area, with dwellings stepped down, working with the topography.

There will be significant gaps between the buildings to maintain views through the site as required by Policy HSA7.

We agree with your officer's conclusion at para 6.12 where he states that "This revised scheme...in terms of massing and scale...would harmonise with the surroundings".

Appearance

The Ridge is characterised by two-storey dwellings with significant variation in design.

Individually designed dwellings are proposed to complement and respect the character of The Ridge with features including hipped roof, dormers, gables, chimneys and timber framing.

Landscaping

The principle of 3 new access ways with associated visibility splays was established at the outline application stage.

A rural "instant" hedge is proposed at a minimum height of 1.5m to off-set the loss of hedge to create the approved access points and achieve the required visibility splays. The Landscape and Tree Officer raises "No objection".

In summary, the Site is allocated in HSADPD with outline Planning Permission for 5 houses approved in 2017.

Access to the site by way of three separate access points is Approved.

The scale of development is significantly reduced from the previous scheme and harmonises with the character of the area. The appearance respects the locality. The landscape scheme mitigates the impact of development including the creation of the approved visibility splays.

Planning Permission should therefore be granted in line with the Officer recommendation.

Ward Member Representation

6. Councillor Garth Simpson in representing the Committee as Ward Member made the following points:

- Three issues had not been dealt with by due diligence and process:
 - It was an important hedge under the Hedgerow Regulations and Environmental Act.

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- The Scale and massing of the development did not reflect the housing on the ridge in the immediate vicinity.
 - Amenity was impaired.
- The detrimental Impact on the setting of the Area of Outstanding Natural Beauty (AONB) Policy ADDP5.
- The hedgerow was an important one, as acknowledged in Policy HSA7.
- At the outline stage Members were given clear statements that the hedge did not contain any important plant species or ecology. This was true.
- The agent stated that it was not an important hedge in the meaning of the acts, but this was not true
- Intent on providing three accesses, Members triggered the right to legally cut down the hedge, but no mention was made of the historical criteria in the Hedgerow Regulations and Environmental Act that rendered its legal importance.
- Simon Vanstone took just four hours, including a drive to Reading, to prove that the hedge held historical significance, which more than satisfied the historical criteria of the acts. Where was the archaeological input to the case and HSA7? It was all available online.
- What justification lay behind the agent's statement?
- We were angry.
- Highways Officers used the 30MPH speed limit as a proxy for average speeds, in order to derive the splays of 43 metres for the accesses.
- The site was just within the speed limit. Cars were on training throttles or accelerating away. 35 metre splays would have eliminated almost the entire hedge. Was this robust? Where was the due process and diligence on behalf of officials and Pro-Vision?
- Members should ask critical questions. Point 6.19, in the officer's report indicates that in improving the sightlines the council was legally entitled to cut down the hedge.
- In terms of scale and massing, the Gross External Area (GEA) (an expression of massing) of this application were still 300m² each, which was 21% more than the surrounding 11 houses, and 39% more than the alternating small houses on the southern side.
- Members should ask the following:
 - Why three successive case officers recommended to the objectors that they thought the site should have three one and a half storey houses, and two bungalows
 - Whether the proposed changes of scale and massing were significant enough to address the 39% excess? Were they taken? The GEAs were unchanged. Only two houses of the surrounding 15 were of a similar size.
 - Whether point 6.12 was not an illogical inversion of the reality. This application imbalances the existing houses.
- The North Wessex AONB and its setting were taken seriously. Members should dissect with care point 1.4 in the officer's report. The author of the report could not bring them-selves to state that the ridges on the road were the physical boundary of the AONB.

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- He asked where the required balance of officialdom was. This site was mega-sensitive. Five 300m² houses with razor-blade gaps were an immediate hard, urban start to the AONB setting.
- An original ground for refusal for 18/01977/REM mentioned scale and massing. Whether by conscious or unconscious omission, and clearly cursory examination, due diligence and process had not been followed at the outline stage. Outrage at the loss of the hedge was expressed by Councillors Paul Bryant, Anthony Pick, Jeff Beck and himself at the outline stage.
- A second look at the number of accesses by Derek Carnegie (Development Control) had been promised. The repetition in the officer's report that it was a done deal, was not sufficient.
- Members were not being provided a second look at the accesses as promised.
- Councillor Simpson recommend that the Committee refuse this application, on the grounds of the destruction of an historic hedgerow, the need for a single access, appearance, scale and massing and amenity of adjacent housing.
- The proposal was not compliant to policy.

Member Questions of the Ward Member

7. Councillor Tony Vickers queried whether Councillor Simpson was the ward member when the Housing Site Allocations Development Planning Document (HSADPD) was being considered, and whether he had any comment on the recommendations made. Councillor Vickers recalled that at that time there was discussion around individual access for each house. Councillor Simpson explained that he and his colleagues were against the site as a matter of principle. However, at the time he was not literate on accesses and splays, and they were not debated at any detailed level. He was aware that the standard trip analysis was done at that time.
8. Councillor Carolyn Culver asked who was responsible for maintaining the hedge. Councillor Simpson advised that the hedge was currently not being maintained by anyone.
9. Councillor Adrian Abbs asked for clarification as to which expression of scale Members should use to compare the development and the surrounding properties. Councillor Simpson explained that the GEA was the best way to compare the development with houses in the vicinity. Simon Vanstone and his team had surveyed all the surrounding houses using builder's plans, where possible. The 21% applied to the fifteen houses on both sides of the ridge. There were only two houses of the same comparable size of 300m² and 39% applied to the smaller range of alternating bungalows and one and a half storey houses on the southern side. Therefore, 39% on the southern size and 21% overall for both sides.
10. Councillor Abbs remarked that he was struggling to reconcile the data and come up with the argument as to why it was grossly disproportionate. Councillor Simpson asserted that the figures were cast-iron and solid.
11. Councillor Abbs observed that hedges were important. He asked whether Councillor Simpson was certain that it was owned by West Berkshire Council. Councillor Simpson answered that he was no longer sure.
12. Councillor Abbs further queried, what percentage of the current hedge would be lost to the three accesses. Councillor Simpson replied that there were various opinions, however he estimated that it would be between 55% and 59%, with an optimistic splay assumption.

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13. Councillor Simpson had been hoping to carry out a speed survey for the Neighbourhood Development Plan, but it had been delayed by the covid-19 outbreak. He judged that the average speed was 36 miles per hour. The objectors favoured a single access.
14. The Chairman reminded Members that the issues for their consideration were appearance landscaping and scale. The hedge issue had already been approved in the reserve matters.
15. Councillor Abbs explained that the reason he was concentrating on the hedgerow was because it was about appearance, and how the houses sat within the landscape.
16. Councillor Hilary Cole in representing the Committee as Ward Member made the following points:
 - When the outline application was approved by Committee in 2017, and the subsequent applications refused or deferred, this site was not in her ward. However, following the boundary review it was now contained in the combined Cold Ash and Chieveley Ward.
 - Councillor Hilary Cole hoped that as co-ward Member, she would be able to bring objectivity to the debate by exercising her judgement on the application on planning grounds. She fully supported the officer recommendation as set out for the following reasons:
 - This was an allocated site in the HSADPD which was adopted by Full Council in 2017. Outline permission had already been granted for the site and the Committee was being asked to approve design and layout. The agenda clearly stated that the matters for consideration were appearance, landscaping and scale.
 - This meant that many of the issues raised by the objectors should not be considered by the Committee, as they were the subject of previous consideration, including the issue of the hedge.
 - In the agenda, at point 6.9, it was noted that the applicant had gone a considerable way to address the reasons for refusal from 2018. This was a clear indication that residents' concerns had been listened to and acted upon, including the reduction of additional accesses to two.
 - The site was located outside the AONB, but within its setting, therefore additional frontage planting had been proposed.
 - Many objectors were making suggestions as to how the application might be changed to make it acceptable to them, but Members had to consider the application as it was presented. Members could not, nor should not change planning applications or policy on the hoof.
 - Councillor Hilary Cole understood the concerns of local residents and acknowledged that feelings were running high. However, she had to reiterate that West Berkshire Council was a plan led authority and this site formed part of West Berkshire's Local Plan.
 - In her opinion, and taking into account her thirteen years on the Committee, she found this application reasonable and saw no reason why it should be refused, particularly as it was acknowledged that more housing was needed in the District and this development would help fulfil that need.

Member Questions of the Ward Member

17. No questions were asked by the Committee.

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Questions to Officers

18. Councillor Culver considered the matter of the hedge to be of appearance and landscaping, but did accept that it was part of the approved outline planning permission. She addressed the following questions to officers: whether officers knew who maintained the hedge currently; how much weight should be given to the Village Design Statement (VDS), as she considered that the application contravened approximately four parts of the VDS; and, as the ecological studies were out of date, should newer ones have been carried out before the application could be considered.
19. In response, David Pearson confirmed that the previous land-owner maintained the hedge. West Berkshire Council ownership of the land included the verge, but not the hedge. He asked Councillor Culver to outline that the relevant parts of the VDS. Councillor Culver listed the following points:
 - a. 'HOU2 – Sympathetic infilling in settlement boundaries is supported where properties are well matched with neighbouring properties in terms of design and scale.'
 - b. 'SPGR3 – Height of new buildings should be in proportion to their surroundings.'
 - c. 'SPGR4 – New developments should be appropriate in scale, form and siting to the adjacent settings.'
 - d. 'FT1 – New housing developments should include an appropriate mix of building sizes and styles, which conserve and enhance the character of the villages.'
20. David Pearson stated that he entirely understood the first three points raised, but the professional view of officers was that the development did meet the first three requirements. Officers had considered the VDS and their professional opinion was that there was not conflict. In terms of the lack of mix of house type on the site, he accepted that there was a uniformity of style, but that Members should consider whether there was any harm caused to warrant refusal of the application. Officers had considered this and did not think there were grounds for refusal that would stand up at appeal. His understanding was that, as the principle of the application was accepted at the outline stage, and only the reserved matters were being considered that there was not necessarily a need for another statement. However, as this was not his area of expertise he asked the Ecology Officer to clarify. Gareth Ryman was of the opinion that as the outline plans had been approved in 2016, the Ecology Statement was out of date. National Policy had changed, with the most important being the National Planning Policy Framework (NPPF) in 2019. The Chairman noted that the provision of a new Ecology Statement could be included in the conditions.
21. Councillor Jeff Cant had considerable respect for Councillor Hilary Cole's view, due to her experience on the Committee, and noted that it would be easy to be drawn back into reconsidering issues that had already been resolved by previous planning decisions. The Members were constrained to considering the reserved matters. He asked officers to clarify the scale and massing in plain English and run through why they thought the scale was more suitable than the original considered. David Pearson noted that he was not involved in the outline application, however he had reviewed the files and spoken with the officers involved. He understood that Members concerns at that time of the first refused reserve matters application, were about the height of the dwellings and the roof form, which appeared to limit gaps between the dwellings. The current scheme had a revised roof form, which gave a

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feeling of more space around the properties, and reduction in height of the dwellings. Officers considered that these changes had addressed Members concerns.

22. Councillor Abbs enquired as to the differential between the ridge heights of the proposed homes and that of the neighbouring properties. David Pearson referred Members to the report, page 33, paragraph 6.10. He conceded that the properties were higher than the neighbouring houses, however officers considered that this was not significant enough to warrant refusal of the application.
23. Councillor Abbs sought clarification on the massing and square footage of the proposed development and how officers had come to their conclusion that the application was acceptable on this point. David Pearson reiterated that officers had understood that Members' concerns were concentrated on the height and roof form of the design. The outline plan had given implicit approval for the floor area of each dwelling. He was unclear how the objectors had calculated their figures and whether they were accurate.
24. Councillor Abbs noted that Members were being asked to consider the design landscape and scale of the proposal. However, as the scale of the development had already been approved, what was left to discuss. David Pearson reiterated that officers had focused on addressing the concerns raised by members in the previous refusal. When the Committee had approved the outline application, it approved the layout that showed where on the site each house would be, and its floor area. Where Members had expressed concern about visual impact and impact on neighbours, it was in reference to the height of the properties and roof form. Officers had addressed those concerns. Councillor Abbs observed that he was not a Member of the Committee when the previous decision had been taken and asked the Chairman whether he should take scale into consideration. Councillor Hooker confirmed that Members were being asked to discuss appearance landscaping and scale.
25. Councillor Hilary Cole sought confirmation as to whether the hedge was an ancient hedgerow. Andrew Giles asserted that in his opinion and that of the Ecology Officer on the 2016 approved outline plan, the hedge was not important due to the plant species it contained.
26. Councillor Phil Barnett asked whether the appearance of the development would impact the AONB. Andrew Giles explained that there was a significant hedge on the southern boundary, and round the hedge there were 15 to 20 significant trees. The trees to be planted were heavy standards, which would aid screening in the medium to long term.
27. Councillor Howard Woollaston noted that he was reasonably happy with the scale of massing, however he was concerned about the hedge. He wondered whether there was any condition that could be applied that would reduce the amount of hedge lost.
28. David Pearson did not recognise the objector's figure of 55-59% reduction. He understood that the hedge would only be reduced by approximately 25% under the current scheme. There would also be significant new planting behind the areas where some of the hedge had to be removed to achieve sight-lines. Once this planting had matured, there would be a substantial hedge along the frontage, albeit with two additional entrances in place.

Debate

29. Councillor Culver opened the debate by noting her concern about officer's response regarding the VDS, as she felt the document had been undermined as officers had not taken it into consideration when determining the planning application. With regards to the issue of massing, she noted that the red shaded area on the plans

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showed the footprint for the previously refused dwellings and that it was not dissimilar to the new application. Also with regards to the Ecology Survey, officers had confirmed that it was out of date and this should be taken into account. In view of the height and mass of the proposed dwellings, and her concerns regarding the Ecology Study, she would be inclined to oppose the application.

30. Councillor Abbs remarked that he had been attempting to garner information that would mean he could support the application. However, he was left with a series of unanswered questions about: massing; volume compared to neighbouring properties; visual impact; landscaping; impact of chopping down a mature hedgerow; how much hedge would be lost and did it really need to be chopped down. He had not been convinced that all the objections and the VDS had been taken into account. He concurred with Councillor Culver. He suggested that it would be so easy to address the remaining concerns and bring forward the housing that was needed. He agreed with Councillor Hilary Cole that the area needed new houses, however this design was unacceptable. He found reasons to refuse the application in design, landscaping and scale.
31. Councillor Vickers noted his gratitude to Councillor Culver for her study of the VDS and points she had identified. This proposal was clearly against the spirit and the letter of the VDS. He was inclined to vote against officer recommendation on the grounds of scale and appearance. He observed that all development to the south side of the ridge and the skyline were important to the setting of the AONB. He considered that the height and massing of any new developments should be kept to a minimum. He judged that the changes from the last refusal were minimal and derisory.
32. Councillor Vickers proposed to reject officer recommendation and refuse planning permission.
33. Councillor Barnett recalled the site visit on a cold and windy day in March 2020 and it had made him realise the contours of the land. He was concerned on the two properties, Summerfield to the west and the farm to the east, as they would be most impacted. He recognised that the Committee should be considering scale, and he was convinced that the scale was out of keeping with the neighbouring properties. He did not focus on the statistics but on the impact the proposal would have on the neighbouring properties. He welcomed new development, however he could not accept properties of this scale on that particular site. It would affect the entrance from the east to the village of Cold Ash. He would support a refusal of this application.
34. Councillor Hilary Cole thanked the officers for a balanced and thorough report. She noted there was agitation about the size and the scale of the buildings compared to the surrounding properties. She lived on a lane, which had a variety of sizes of building, in an old cottage and her neighbours had homes which were considerable higher, as they were modern. Any two storey property built next door to a bungalow, will obviously be out of scale. After the site visit, she had observed the other properties along the ridge and noticed that they were of a variety of sizes and styles. It was important therefore, that the Committee accepted that times changed and that to put a plethora of single or one and half storey buildings into this area would result in people not buying them. The developer had gone a long way to address the issues. She accepted that village design statements were a material consideration, however the Cold Ash design statement was eighteen years out of date and there had been other development in Cold Ash since then.
35. Councillor Abbs seconded Councillor Vickers motion.

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36. David Pearson understood that Members might have a different opinion as to the merits of the application and its relation to the VDS. However he found it difficult to accept the suggestion that officers had not taken it into account. Case officers had taken key documents into account when making their assessment and had taken the view that the application was acceptable. He asked for Members to identify the reasons for refusal.
37. The Chairman asked the Legal Advisor and Planning officers for help in this matter.
38. Councillor Vickers, as the proposer, suggested the reasons of scale and the developments relation to the neighbouring properties, and asked that the VDS be specifically cited as supporting the reason for refusal. He recalled that the HSA7 calls for "individually designed dwellings", therefore appearance was an important reason, as the properties were out of character with the Ridge. He was particularly concerned about the height and its prominence when seen from the Ridge.
39. Councillor Culver noted that in addition the issue of the footprints was important. The new proposal was not significantly amended from the previously refused application.
40. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Abbs to refuse planning permission, contrary to officer recommendation. At the vote the motion was carried.

RESOLVED that the Head of Development and Planning be authorised to refuse planning permission contrary to officer recommendation, on grounds that the proposal fails to respect the character and appearance of the area in terms of scale and appearance.

(2) Application No. and Parish: 19/02850/FULMAJ, Land Adjacent To Elton Farm, Weston, Welford

(Councillors Phil Barnett and Tony Vickers declared a personal interest in Agenda item 4(2) by virtue of the fact that they were Members of Newbury Town Council's Planning and Highways Committee. They had been present when the application was discussed, but would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).

(All Councillors, apart from Councillor Adrian Abbs, declared a personal interest in Agenda Item (4)2 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(2)) concerning Planning Application 19/02850/FULMAJ in respect of the approval of the proposed conversion and replacement of agricultural buildings to residential use, including parking, landscaping and associated works, plus the construction of one new-build dwelling
2. Masie Masiwa 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 unjustifiable. Officers recommended the Committee refuse planning permission and advised that if Members were minded to approve the application in its current form, the Development Control Manager would refer it to District Planning Committee.
3. The Chairman thanked the planning officer for their presentation. He noted that no highway issues had been raised in relation to the application, but asked the highways

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officer if he wished to comment. Paul Goddard confirmed that the Highway Authority had no objections, since traffic levels would be similar or even reduced compared to the current use, with fewer large agricultural vehicles using Elton Lane. He confirmed that the proposed highway layout and parking arrangements were acceptable.

4. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
5. In accordance with the Extraordinary Council resolution, written submissions had been received from Mr David Hunt (Chairman) Welford Parish Council, Kirsteen Roberts and local residents, objectors, and Mr J Puxley and Marbus Developments Ltd, applicant and agent.
6. Written submissions were read out by the Clerk to the Committee:

Parish Representation

The written submission of Welford Parish Council from David Hunt (Chairman) was read out as follows:

As Chairman of Welford Parish Council I am writing on their behalf in strongly supporting the planning application. Throughout the planning process the council have been directly involved in discussions and we see this proposal as a satisfactory outcome for all stakeholders.

On 20th June 2018 a site visit was arranged for Parish Councillors to learn of a proposal for the conversion of four agricultural buildings to residential use. We reminded the agent (Savills) that plans for a previous nearby development of ten new houses had been required to be altered so that effluent was not discharged into the River Lambourn but was connected to the main sewer in Weston.

With this in mind the Parish Council were keen not to repeat the same scenario with the four houses on this planning application. At a Parish Council meeting on 4th December 2018 the Council voted "No Objection" to the planning application (18/01090/FULD) subject to there being a satisfactory and agreed method of sewage treatment which did not involve any effluent being discharged into the River Lambourn.

The developer proposed a private sewage package treatment plant (STP) for each dwelling. At this stage Natural England were satisfied that the proposed strategy would not result in harm to the sensitive SSSI. The Environment Agency did not respond.

The planning application was approved by the District Council Planning Committee at a meeting on 12th December 2018.

Following concerns raised by local residents and the Parish Council it became clear that the proposed treatment method did not address the potential for the influx of phosphates. However, at this stage, connection to the village main sewage system was not considered financially viable.

The developer has now addressed the issue and has submitted the plan that has been proposed. The addition of two extra dwellings will provide funding for a pipe to be drilled under the River Lambourn allowing connection to the main sewer. This satisfies the conditions requested by the Parish Council, thereby protecting the Eco structure, wildlife and the environment of this ancient chalk stream. At a Parish Council Meeting on 16th

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October the Council unanimously supported the proposal. This decision was confirmed by a site visit on 3rd November at which detailed plans were displayed.

We are aware that the proposal requires extra building on a small plot of land that is not brownfield land and is therefore not within West Berkshire planning policy. However, we believe that an exception should be made on this occasion since the advantages far outweigh other considerations.

The Council consider that the new buildings are very attractive and in keeping with the rural landscape. The proposal completely removes unsightly outbuildings and creates a pleasant, unified development. We see this as a significant improvement to the environment. We look forward to seeing a satisfactory outcome to this proposal.

Supporter Representation

In accordance with the Extraordinary Council resolution, as multiple parties had made written submissions, an officer has provided a summary of the issues raised. The full submissions were made available to the Members of the Committee, and have been published alongside the Agenda for this meeting.

The written submission from Kirsteen Roberts on behalf of local residents was read out as follows:

Villagers of Weston want me to write in support of the proposed development as they are passionate about protecting the River Lambourn.

As you know it is one of only four rare chalk streams of its kind in the world. We can't make any more and as such it is afforded the highest protection as an SAC. The existing approved scheme for this development will see the use of Klargesters with treated sewage running into drainage fields. It is a fact that Klargesters and drainage fields do not extract phosphates which are extremely harmful to the river. Ultimately, like the plight of the Whorl snail supposedly protected by the drainage fields created on the Newbury Bypass, the drainage fields will become saturated due to proximity of the water table and phosphates will flow into the river causing catastrophe.

Experts (see Peter Evans scientific evidence) confirm that the existing previously approved scheme will not adequately protect this vulnerable chalk stream. Natural England expressed their concerns to this effect when commenting on the extant approval that sewage should go to the mains as the preferred choice. Nothing has changed from that stance taken by NE and now a viable scheme has been proposed to allow this to happen.

The River Lambourn is already a failing river because of the leaching of phosphates from years of agricultural use. The existing approved scheme would ultimately see more phosphates in the river. ALL planning decisions should ensure that no phosphates are allowed to enter the river.

These new proposals would see the sewage go to the mains 1.3 km away, where more phosphates would be extracted. This would be a win win situation. A higher quality development is delivered, the river is protected from any increase in phosphate levels both now and more so in the future as technology improves. There will also be a REDUCTION as two existing houses will be connected to the mains sewage system as part of this proposal. The concession is that a one off exception would need to be made to planning guidance with one additional house built on the greenfield.

Surely this is justification enough to secure the long lasting protection of such an important river. Don't we all owe it as custodians of our environment to make a one off exception without setting a precedent?

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There is extensive support on Facebook, social media with 1105 signing the online petition and huge support from local residents, the wider community and further afield with 65 writing letters of support to the council.

The approved development does not protect the River Lambourn. The proposed one does. We have one chance to do the right thing before the approved scheme is fully implemented at which point there is no going back!

Please support these new proposals. The River Lambourn is worth making an exception for. SAC chalk streams are much rarer than greenbelt and this river is more at risk than the greenbelt which these guidelines were designed to protect.

Applicant and Agent Representation

The written submission of Mr J Puxley and Marbus Developments Ltd was read out as follows:

The original Planning Permission (18/01090/FULD) was granted on 13.12.2018 for the conversion of four barns and approved foul drainage to individual Sewage Treatment Plants.

Marbus Developments became involved after this date.

On 17.07.2019 Welford Parish Council met and discussed the consented scheme, its foul sewage treatment and the River Lambourn. The local community highlighted their concerns that individual Sewage Treatment Plants may cause phosphate damage to the river. The overwhelming view at that meeting was that a connection to the main Thames Water sewer would be a preferable solution and we were asked to consider how this could be achieved. The complications and enormous costs involved were outlined. However, we agreed to investigate potential solutions.

During Summer/Autumn 2019 we worked hard with District Councillors, Consultants and Architects to find a viable solution. Looking at the approved scheme, we felt the architectural details and design could be improved along with the constructing one additional dwelling (H5) to provide funding for the sewer connection. To provide further betterment both Elton Farmhouse and Cottage will be connected to the main sewer.

We held an open meeting on site on 3.11.2019 and invited all interested parties to attend to view and discuss the revised scheme. Subsequently minor alterations were made as a result of comments and feedback.

The Thames Water Mains sewage pipework is located approximately 350m away. A connection to this involves constructing a package pumping station on site. The installation, by means of a remote mole, a 90mm pipe under the adjacent water meadows and River Lambourn to a connection point in Weston. This includes third party land and we have acquired consent for this should planning be granted.

A Planning Viability Assessment Report has been submitted by Stuart Larkin Associates. This illustrates the value in the amended scheme will cover the main sewer connection costs, but a contribution to Social Housing would make the revised scheme unviable.

With regard to ecology: Work has started on Barn H1 under the approved permission. Ecologist Simon Pidgeon of Quantock Ecology is overseeing this work. We've an updated Bat Survey and have relevant EPS License. The barns we will be converting showed no evidence of protected and notable species when last surveyed. On 19.05.2020 Quantock Ecology undertook another full site Habitat Survey and we will follow all guidance and recommendations that come from that.

We appreciate the submitted scheme (19/02850/FULMAJ) goes against normal planning policy. However, we hope you can see this proposal – which has been carefully designed

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with input from the local community – provides buildings that offer a more attractive finished scheme to enhance the wonderful farmyard location without overdeveloping the site; has full support and backing from the Parish Council and local residents; has over 68 letters of support; and allows for a new sewer connection to the Thames Water mains in Weston Village which provides the best outcome for the river.

This is a rare example of localism in action - We hope you will be able to give it your support.

Ward Member Representation

7. Councillor Claire Rowles declared an interest as she lived next to the River Lambourn, albeit in the next village.
8. Councillors James Cole and Claire Rowles in representing the Committee as Ward Member made the following points:
 - Councillor James Cole noted that this would be a difficult decision for the Committee. In reaching a decision, Members would need to weigh up environmental benefits against breaching planning policy, which was there to protect the Area of Outstanding Natural Beauty (AONB).
 - The issue of phosphates entering the River Lambourn had not been considered as part of the previous planning application 2018, which was passed unanimously. It was simply not a subject brought to the attention of the Committee.
 - Natural England had previously proposed that sewage be piped, but subsequently backtracked. There was no opposition from the Environment Agency.
 - During 2019, local public opinion objected to the phosphates that the Klargesters would allow to enter the watercourse. This led to a revision of the application in discussion with Members and the local community, which was now brought before you.
 - Councillor Rowles described that the River Lambourn was a unique chalk stream designated as a Site of Special scientific Interest (SSSI) and Special Protection Area (SPA) and a tributary of the river Kennet.
 - Action for River Kennet considered that more than 350 septic tanks in the Lambourn Valley were at high risk of polluting the river, with a further 140 considered to be at moderate risk. They believed therefore that the planning system should not be consenting to any more septic tanks or package treatment plants in the Lambourn Valley.
 - Klargesters dealt with the bulk of the effluent, with the remainder soaking into a drainage field. Over time, the remaining substance, with high levels of phosphates, would flow down into the river.
 - Both Ward Members believed that the need to protect the Rivers Lambourn and Kennet far outweighed any breaches of planning policy.
 - Additionally, there was the added benefit that Elton Farmhouse and cottage would be added to the mains sewage, thereby protecting the River Lambourn even further.
 - Councillor James Cole continued by addressing specific concerns raised by officers. There would have to be some demolition, for example H1 was an asbestos barn. However, he felt that planners might have overstated the point. The original permission identified the barns as structurally sound for conversion. The developer wanted to rebuild using original materials, such as slate, timber and lime in the

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mortar, to sympathetically recreate the farmyard feel. This would reduce impact and preserve the view from the public footpath.

- Whilst some land would be changed from agricultural to residential use, this was a practical use for a bit of scrubby land that included the cottages old septic tank and garage.
- The applicant was happy to look again at surface water drainage arrangements if approval were granted. However, the groundwater levels quoted, validated the need for a pipeline approach and mains sewerage was recommended by the drainage expert.
- An Ecology Report had been submitted on 20 May 2020.
- The overall built footprint of the redeveloped properties would be less than the current farm buildings, but would be more with the new house and garages.
- The viability report confirmed that the developer would be £91,000 worse off under the new proposal, which explained the lack of affordable housing.
- Councillor Rowles explained that public support was overwhelming for this application. Over 80 letters had been received from residents, Welford and Boxford Parish Councils, Action for the River Kennet, as well as over 1,000 signature petition.
- The development would only result in one new dwelling not on a brownfield site.
- The ward Members therefore asked Members to support this application as an 'exception' site to protect the River Lambourn.

Member Questions of the Ward Member

9. Councillor Tony Vickers highlighted that the previous determination had been taken in the absence of crucial information on phosphates. He asked whether the applicants had investigated other means to mitigate the phosphates, as the current proposal would require numerous derogations from local plan policies. Councillor James Cole responded that drainage fields were effective for about a year, after which time contamination of groundwater would occur. He suggested that a reed bed had been considered, but the necessary land, odour and maintenance made this impractical. He reiterated that mains sewage was the only option, as it had much better filtration, and would address residents' concerns.
10. Councillor Dennis Benneyworth asked about the impact of the proposal on the appearance of the farmyard from the public footpath. Councillor James Cole indicated that the existing buildings were of poor quality with tin shacks and asbestos roofs. The applicant was planning to use traditional materials, which would be more sympathetic than those used in neighbouring Teekay Farm. Councillor Rowles, clarified that several of the buildings would be restored rather than demolished, retaining the farmyard feel.
11. Councillor Carolyne Culver asked for confirmation that the developer would be £91,000 worse off with or without the extra house. Councillor James Cole confirmed that it was a net result for the application. He observed that the figures had not been validated by the council. He suggested that the applicant wanted to create a showpiece development. The developer would still make a profit, but the end result would be better.
12. Councillor Hilary Cole enquired whether the applicant was a riparian owner for the River Lambourn downstream of the development. Councillor James Cole confirmed

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that he owned fishing rights for a downstream section that would be affected by contamination if Klargesters were used.

13. Councillor Adrian Abbs requested information on the net reduction in phosphates due to the pig farm ceasing to operate. Councillor James Cole confirmed that the pig unit was old, and therefore some contaminants would inevitably have reached the river.

Questions to Officers

14. Members were invited to ask questions of the officers. Councillor Benneyworth sought clarification as to which buildings would be demolished and which would be renovated. Masie Masiwa confirmed that building H1 would be converted as per the previous application, but buildings H2, H3 and H4 would be demolished.
15. Councillor Abbs reiterated his question about net benefits in terms of pollutants to officers. Masie Masiwa confirmed that Natural England had viewed the previous proposal as a betterment. Gareth Ryman added that sewer connections were beneficial, but existing effluent would be released if construction occurred, with both the extant permission and the new proposal. SUDs proposed for run-off needed to be properly maintained to prevent problems. Jonathan Bowden highlighted issues with groundwater being periodically very high, so the developer was proposing shallow soakaways. However, groundwater in the recent period of flooding would have inundated the soakaways, so a better solution would be required. The site was also in a surface water flow path and so flood risk assessment would be required to protect residents from flood water coming from outside the site. Councillor Abbs reiterated that he wanted to know the difference between the impact of the farm and the approved development.
16. Councillor Jeff Cant expressed concern about establishing a precedent in terms of opening the door to ad-hoc developments at farms not adjacent to existing developments. Masie Masiwa indicated that the proposal was in conflict with a number of policies. One policy sought to retain the form and character of buildings in rural areas. He confirmed that should this development be allowed, it would set a precedent for replacing farm buildings with larger developments. It would also open the door to this applicant coming back with a revised scheme with more development.
17. Councillor Howard Woollaston asked whether conditions had been considered in terms of the use of sympathetic materials and styles. Masie Masiwa indicated that should members be minded to approve the application, then a condition could be attached regarding the materials to be reused. He suggested that the applicant would still need to import materials onto the site due to the size of the buildings proposed.
18. Councillor Dennis Bennyworth sought clarification about H2 being demolished and highlighted that H3 had extant permission to be demolished and rebuilt. Masie Masiwa reiterated that H1 was the only conversion and that the rest of the buildings would be demolished. Part of H3 would be rebuilt on the same footprint, but it would still need to be demolished.

Debate

19. Councillor Hilary Cole opened the debate by noting that the previous scheme was significantly different to the new one, which had more demolition and the construction of a new building. She expressed the opinion that the new proposal drove a coach and horses through a number of planning policies. She went on to highlight issues with scale, design, bulk and height that had been raised with the previously rejected application that applied equally to this proposal. She understood the issues around drainage, but these matters were just part of the determination. She suggested that

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the key issue was that the proposal was contrary to policy and highlighted the need to be consistent in determining applications.

20. Councillor Hilary Cole proposed to accept the officer recommendation to refuse the application.
21. Councillor Vickers seconded the proposal.
22. Councillor Vickers observed that he had walked through the farmyard and said that it was not of any design merit or importance, but he was concerned that the committee should not trash their policies in order to correct a mistake made in determining a previous application and suggested that this was the wrong solution.
23. Councillor Abbs indicated that he had been impressed with the officer's presentation. He continued that the plan, scale and location were out of kilter and while he would like to see a better solution for the sewage, this should not be at the expense of policy, so he supported refusal.
24. Councillor Benneyworth did not agree with the proposal. He acknowledged that the proposal was contrary to policies, but highlighted the lack a policy on polluting chalk streams and suggested that this should take precedence over design considerations. He considered that the design was sympathetic to the historical farmyard setting.
25. Councillor Cant did not want to set a precedent for redeveloping farmyards and supported the proposal.
26. Councillor Culver welcomed the fact that the developer was happy to look at the issue again, but it raised concerns in terms of setting a number of precedents. She also expressed concerns in relation to affordable housing and ecology. She indicated that she could not support the application. She went on to ask whether there was anything that could be done to address the phosphates issue with the extant approval.
27. Councillor Woollaston thought that the development was attractive and he was concerned about the impacts on the chalk stream, but he could not see how the committee could go against policy.
28. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Vickers to refuse planning permission. 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:

1. Principle of Housing in the Countryside Policies

The Housing Site Allocations Development Plan Document's policy C4 provides guidance for the conversion of existing redundant buildings in the countryside to residential use. The policy indicates that the conversion of existing redundant buildings to residential use will be permitted subject to certain criteria.

The new dwelling H5 does not fall within the policy C1 criteria as it is located outside of any settlement boundary. The re-use and adaptation of existing rural buildings is supported by development plan policies but demolition and redevelopment is not. The redevelopment of buildings H2, H3, H4 do not fall within the set criteria for conversion of policy C4. The buildings are considered to be structurally sound for conversion as assessed and approved under planning permission 18/01090/FULD. Due to the proposed demolition and the level of additional built form, the development would result in the replacement of the buildings by new development rather than their conversion. Such redevelopment of rural buildings is not considered acceptable as it is inconsistent

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with national and local policies, and previous decisions by the Council with regard to similar proposals supported by the dismissal of subsequent planning appeals.

The proposed development is therefore contrary to the NPPF, Policy ADPP1, ADPP5, Policy C1, C3 and C4 (criteria (i),(iii),(iv),(v),(vi) and (vii)) of the Housing Site Allocations Development Plan Document.

2. Impact on the Character and appearance of the site and the AONB Landscape

The application site is located within the AONB, a statutory designation under the Countryside and Rights of Way Act 2000. Section 82 confirms that the primary purpose of the AONB designation is conserving and enhancing the natural beauty of the area. The Countryside and Rights of Way Act 2000 places a general duty on Local Planning Authorities to have regard to the objectives of conserving and enhancing the natural beauty of the AONB. The NPPF states that great weight should be given to conserving landscape and scenic beauty in the AONB, which has the highest status of protection in relation to landscape and scenic beauty.

The resultant new buildings would be significantly larger in terms of site coverage, design, appearance, scale and massing than the existing farm buildings significantly altering the rural character and appearance of the site and the wider AONB. In addition the proposed residential curtilages are overly large and represent an unacceptable level of intensification and encroachment of residential uses within the AONB countryside.

The redevelopment works include large glazing and new build will use materials and finishes appropriate with residential areas rather than a rural farmyard. The proposed garden sizes are overly large and indicate further encroachment of residential uses within the open AONB countryside through the change of use of agricultural land to residential uses. The extensive glazing would also prejudice the Council's aim of protecting 'dark skies' within the AONB. The proposed development therefore fails to "conserve and enhance" the character of the AONB and will detract from the character and appearance of the historic farmyard which is also located within the AONB. Given that the site represents a traditional farmyard complex.

The proposed dwellings are not considered high quality design and would not be in keeping with the surrounding area or respect the established and historic form of development of development on the site and its building styles and materials. The proposed development is contrary to the provisions of the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy and Policy C3 of the Housing Site Allocations Development Plan Document

3. Insufficient information to the impact on Biodiversity and Geodiversity on the site

The applicant has failed to submit updated ecological surveys despite requests by the Council's ecologist. The ecologist states that an extended phase one habitat survey is required to be completed, and that this may lead to further surveys needing to be undertaken before determination of the application. In addition Natural England has requested additional information with regard to the latest drainage proposal to connect to the public sewer. The surveys under the previous application are now out of date.

Insufficient information has been submitted with the application to assess the ecological impact of the proposed demolition and redevelopment works to the buildings on site to residential use. There may be protected species on site in the adjacent River Lambourn SSSI which would be impacted upon by the proposed development. Government Circular 06/2005 sets statutory obligations within the Planning System which states that:

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"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

Given the above, the ecological matters would need to be resolved before determination. Due to this lack of information, the proposed development is contrary to the advice contained within the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006, Policy CS 17 of the West Berkshire Core Strategy 2012 and criteria (vi) of Policy C4 of the Housing Site Allocation DPD.

4. Planning obligation

The proposed development fails to provide appropriate provision of affordable housing, off-site mitigation, or a planning obligation. As such, the development fails to comply with the National Planning Policy Framework, Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026, and the Supplementary Planning Document: Planning Obligations.

(3) Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham

In accordance with the Council's Constitution, the Committee concluded that the remaining business could not be concluded by 10.30pm, and therefore decided to close the meeting at 9.45pm. The Chairman asked that this item be deferred to the next Western Area Planning Meeting.

(4) Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham

In accordance with the Council's Constitution, the Committee concluded that the remaining business could not be concluded by 10.30pm, and therefore decided to close the meeting at 9.45pm. The Chairman asked that this item be deferred to the next Western Area Planning Meeting.

(The meeting commenced at 6.30 pm and closed at 9.45 pm)

CHAIRMAN

Date of Signature