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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, 22 JULY 2020

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

Also Present: Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer), Kim Maher (Solicitor), Lydia Mather (Senior Planning Officer), Sarah Melton (Senior Planning Officer) and Simon Till (Senior Planning Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth

PART I

9. Minutes

The Minutes of the meeting held on 10 June 2020 were approved as a true and correct record and signed by the Chairman.

Councillor Adrian Abbs raised a point of order regarding concerns about the public's right to participate in planning meetings. He noted that the West Berkshire Licensing Committee had allowed members of the public to participate in person, and other councils, such as Basingstoke and Deane had been able to allow individuals to participate virtually in planning meetings.

He queried that as the technology and processes had been shown to work well over the last few weeks, whether the Western Area Planning Committee would be prepared to push for the resumption of speaking rights. He was concerned, as there were some elements of the written submissions where he would have queried the speakers, and he was uneasy that he had all the information necessary to make an informed decision.

The Chairman advised that he would talk with Members of the Eastern and District Planning committees to gain a consensus of opinion. Councillor Tony Vickers asked for this discussion to be minuted.

10. Declarations of Interest

Councillors Jeff Cant and Tony Vickers declared an interest in all three Agenda Items, 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.

Councillor James Cole declared an interest in Agenda Item 4(1), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Howard Woollaston declared an interest in Agenda Item 4(2), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

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Councillors Phil Barnett and James Cole declared an interest in Agenda Item 4(3), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

11. Schedule of Planning Applications

(1) Application No. and Parish: 20/01083/FUL, Quill Cottage, Craven Road, Inkpen

(Councillor James Cant declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Newbury Town Council. As his interests were personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Tony Vickers declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a member of the Local Access Forum and was until recently a member of the Ramblers Association Committee for West Berkshire and since all applications are adjacent to public rights of way, this interest was relevant. As his interests were personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor James Cole declared a personal interest in Agenda Item 4(1) by virtue of the fact that he had been lobbied in respect of the application.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01083/FUL in respect of a replacement dwelling.
2. Sarah Melton 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 unsatisfactory and a conditional approval was not justifiable. Officers strongly recommended the Committee refuse planning permission.

Removal of Speaking Rights

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 been 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 the applicant, Ashley Jones.
5. The written submission were read out by the Clerk to the Committee as follows:

Applicant's Submission

Our ambition is straightforward. We wish to create a better home for our family by replacing an unattractive 4 bedroom bungalow with an attractive and sustainable, 4 bedroom home of high quality design and construction.

We would like to address the WAPC agenda report, with the hope that our application, which is widely supported by neighbours and local residents, receives a fair hearing at committee.

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1. Height

This is a two storey dwelling with reduced eaves and bedrooms pushed into the loft space. There is no scope, as in WAPC agenda, 1.1, to provide further accommodation in the loft. As the officer rightly identifies, the available loft height is a maximum of 1.6m at the ridge.

The proposed property will be 30cm higher and not 1.7m higher than the telegraph pole, as suggested by the officer in WAPC site photographs page 12. This photo is misleading due to perspective. Neighbouring dwelling The Glenn is circa 2.5m higher than the proposed dwelling. Relative building heights are demonstrated, to scale, on drawing 062A

2. Size

WAPC agenda, 1.6 details existing GIA as the sum total of individual room areas. By RICS definition GIA includes internal structures. As measured on CAD, existing GIA is 178sqm, not 165sqm.

WAPC agenda, 6.8 provides an analysis of the scale of the existing and proposed dwellings. The figures are based on part of the existing bungalow. As the officer notes: *It is important to note that the measurements of the existing dwelling are based on what is visible from the public domain, the current bungalow is staggered rather than flush as the proposed dwelling is, this is to assess the size in terms of visual impact:*

We strongly object to this as a method of analysis and believe that it is fundamentally misleading to committee. Policy C7 does not differentiate between parts of the dwelling. There are large parts of the proposed dwelling that would not be visible from the public domain, yet this is not accounted for.

The D&A statement provides a true comparison:

Footprint: existing 197.5sqm, proposed 180.6sqm, decrease 8.5%

GIA: existing 178sqm, proposed 287sqm, increase 61.2%

Frontage: existing 22.23sqm, proposed 15.19sqm, decrease 31.6%

3. Quality

WAPC agenda, concludes that dormers are inappropriate 6.27, and that the proposed materials are alien to the street scene 6.29.

We disagree, and propose that the designs meet with the predominant characteristics outlined in the Inkpen Village Design statement p15:

- i. i The majority of houses are two storey and constructed of red brick
- ii. ii Some roofs are thatched but more generally roofs are tile or slate at 45 degree pitch set low on the external walls
- iii. iii The first floor ceiling is often in the roof space with dormer windows
- iv. iv Windows are generally side hung timber casements

Notwithstanding this, we would accept a condition requiring final approval of external materials.

4. Landscape

WAPC agenda, 6.26 objects to the brick landscape wall within the site. We will omit this from the application if conditional to approval.

6. The Chairman noted that the information from the update sheets had not been part of Sarah Melton's presentation. He queried whether she would like to expound on them before the Ward Member presentation. Sarah Melton took the

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opportunity to inform the Committee that the measurement of 1.7m in the original report had been an error. However, she was certain of her assessment of the measurements she had taken off the submitted, to-scale plans. In terms of Inkpen Design Guidance, not all guidance was relevant to all areas of Inkpen. Her assessment was based on the street scene and surrounding development of Craven Road where the site was located

Ward Member Representation

7. Councillor Claire Rowles and James Cole in representing the Committee as Ward Member made the following points:
 - Councillor Claire Rowles remarked that before her first visit to the cottage she had had no concerns about officer's assessment of the application and viewed it as a typical case of over development in an Area of Outstanding Natural Beauty (AONB). Only after visiting the site had their views changed. She and Councillor James Cole had called-in the application to challenge the officer's interpretation of C7, particularly based on its application to other approved schemes. They felt that the proposed scheme would enhance rather than detract from the surrounding area, and would be more in keeping with neighbouring buildings.
 - Councillor James Cole did not find what he expected on his visit to Quill Cottage and had some concerns with the officer's report. He felt that the planning officer had interpreted the rules to ignore a large part of the existing building. To quote the architect:

"If the single storey, set back part of the existing building at the side isn't worth counting, then surely the single storey section of the proposed building, which is entirely at the rear, has even less impact on the street scene."
 - Yet this had been counted in full. He had compiled a table to compare the measurements of the existing and proposed buildings and doubted the veracity of the officer's calculations.
 - Councillor Claire Rowles continued that in the report it was noted that the property was visible from the adjoining public right of way (PROW). She had walked down the PROW and it was clear that the property was screened by a large number of tall trees, however what was visible from the footpath was a large modern house in a gated development, which caused her more concern than the proposed development.
 - Councillor Rowles considered a site visit was essential to make a decision on this proposal, as there was no photograph contained in the pack provided that compared the height of the house with those surrounding it, and an important plan mentioned in the report was missing. In view of the discrepancies in the calculations of size and scale and the lack of a site visit, she urged the Committee to consider a deferment so that more information could be provided.

Member Questions of the Ward Member

8. Councillor Tony Vickers questioned whether the Ward Members had stood in the PROW that emerged opposite the property. He had undertaken a personal site visit, as he too considered it was important to view sites in person, rather than relying on photographs. Councillor Rowles confirmed that she had not walked the PROW opposite the property.
9. Councillor Jeff Cant noted that the Ward Members appeared to have a difference of opinion with the planning officers. He asked whether the parties had been able

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to discuss the areas of conflict, or if they were in dispute. Councillor James Cole answered that it was remarkable how little discussion there had been between the applicant and the planning officer. The applicant had complained to him on this point. There had therefore been no means of resolving the differences. This was one of the reasons why the Ward Members felt this decision should be deferred.

10. The Chairman asked whether the agent had taken up this lack of consultation with the planning department. Councillor James Cole was not aware that the agent had made any such direct complaint.

Questions to Officers

11. Councillor Howard Woollaston noted that the report mentioned a significant increase in glazing in all four elevations. He understood these comments with regard to the rear of the property, however from the front elevation, he observed that it did not seem to be overly fenestrated, in his opinion. Sarah Melton explained that the glazing was not as prevalent in the front as to the rear, but it was still an increase, in her view.
12. Councillor James Cole queried how the officer had reached her assessment on the measurements on the comparable elements of the properties. Sarah Melton explained that the measurements were what would be visible from the public realm i.e. Craven Road. Following representations from the applicant she had included the additional measures. All measurements were taken off the submitted plans.
13. Councillor Woollaston asked whether there had been any local objections. Sarah confirmed that she had received one letter of support from a neighbour and one objection from the Parish Council.
14. Councillor Adrian Abbs noted that the Ward Members had asked for a deferment. He queried if there were any benefits to a deferment. Sarah Melton expressed the view that the application could not be amended to make it acceptable. She had made a site visit and it had not changed her view. She was confident in her measurements, as they had been taken off the submitted plans.
15. Councillor Cant was of the opinion that with such a clear professional view from the planning officer, and contending views from the Ward Members, this discussion was not worth pursuing unless Members had numbers that both parties could agree on.
16. Councillor Woollaston was concerned about the report and had driven around the site. He queried the reports statement that there were no dormer windows in surrounding properties, as he had counted six within half a mile of the development. Sarah Melton noted that her report was regarding houses in a closer proximity.

Debate

17. Councillor Vickers considered this to be a difficult application. He felt that the scheme did not have an adverse impact on the setting within the wider landscape, except for the view from the PROW opposite the proposed house, or any individual heritage assets and their settings. He viewed it as questionable as to whether it had a significant adverse effect on the character and local distinctiveness of the local area. However there would be an increase in light spillage, but he felt that could be managed by a landscaping condition.
18. The proposed development was considerable bigger, but he did not feel that there was sufficient evidence under C7 to refuse the application. He conjectured as to whether there could be a reason for refusal under CS14, as the development did

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not enhance the character and appearance of the area. He was not strongly supportive of the officer's recommendation, and on balance he would support the applicant. He concurred with Councillor Rowles that there was no impact on the footpath down the side of the house.

19. Councillor James Cole noted that the applicant was quite happy to change the materials used, for example the flint wall.
20. Councillor Phil Barnett noted the importance of site visits, however, he had been unable to visit the site on this occasion. He was in a similar mind to Councillor Vickers and on balance, he was in favour of supporting the applicant.
21. Councillor Hilary Cole was pleased that the Ward Members had called in the application to challenge the Council's planning policies, however she disagreed with their assessment. She believed that the key to the interpretation of C7 lay within paragraphs 6.13 and 6.14 on page 22 of the agenda. She drew Members attention to policy C7 of the Housing Site Allocation Development Plan Document (HSADPD) point 47, which referred to need to be aware of the practice of purchasing and demolishing small rural properties within the AONB, in order to replace them with more substantial properties, which did not conserve or enhance the area.
22. Councillor Hilary Cole also directed Members to consider Policy C3 regarding the design of houses in the countryside, points 4.24 and 4.26, whereby a design should be harmonised with the distinctive local characteristics and informed by the AONB management plan. She did not agree that the design of the development fit with the street scene or was an outstanding example of modern design. She acknowledged that the agent and applicant had given assurances that the development would be of a high quality, however she would be interested whether any consideration had been taken of the Council's Environment Strategy and its pledge to be carbon neutral by 2030.
23. Councillor Hilary Cole felt that officers had correctly interpreted policy C7 and that Members should also consider policy C3. She therefore proposed to accept officer's recommendation to refuse planning permission. Councillor Cant seconded the proposal.
24. Councillor Abbs opined that he concurred with Councillor Rowles and James Cole and would have proposed to defer the application to a later meeting in order to receive clarity on the details of the proposal.
25. Councillor Hilary Cole explained that she saw no need for deferment as there was enough information in the officer's report. If the applicant was offering to change the appearance of the property, that would be considered as more than a minor amendment to conditions and would therefore need a new application. She further reminded Members that it was not a requirement of any planning application that a site visit had to be made. Members preferred to see the site, but this was not a requirement.
26. Councillor Abbs noted his concern as to a possible precedent being set of designs with large expansions of volume. Councillor James Cole had drawn the Committee's attention to inconsistencies regarding decisions on previous applications as to what increase in volume was allowable. He conjectured as to whether a deferment would allow for some simple amendments to be made to the design.
27. Councillor James Cole remarked that he genuinely had concerns as to the differences in the calculations. He felt that if the Committee were minded to refuse

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the application, the applicant would go to appeal and the Council's defence would be based on the wrong figures. His primary reason for asking for a deferment was to get clarity on the calculations.

28. The Chairman asserted that the application has been considered by a credible, professional planning officer. He pointed out that Councillor James Coles' assessment could equally be called into question.
29. The Chairman invited Members of the Committee to vote on the proposal of Councillor Hilary Cole, seconded by Councillor Cant to refuse planning permission. At the vote the motion was rejected.
30. Councillor Woollaston proposed to defer the application. This was seconded by Councillor Abbs.
31. Councillor Clive Hooker made a statement that the current temporary arrangements regarding site visits were far from ideal, but complied with the government's instructions to Planning Authorities to enable decisions to be made in a timely manner. Virtual meetings were consistent with how the Planning Inspectorate were operating and other Planning Authorities across the country. It would set a difficult precedent if this application were to be deferred until normal site visits could be resumed. As chairman he saw no greater need for a site visit to be made in respect of this application to any other. Despite complaints from the public, parish councils and agents this committee could demonstrate consistency in the process by which applications were determined during this period, and to deviate from this could lead to accusations of lack of consistency and fairness. Deferring this application indefinitely until site visits could take place was an important decision to make as the Council had agreed to work with this system of non-site visits, as to such time as they could be resumed safely.
32. Councillor Vickers noted he would vote against the proposal to defer, as he felt the Committee had enough information with which to make a decision.
33. The Chairman invited the planning officers to comment before the vote. Simon Till wished to endorse the Chairman's statement and expand on Councillor Vickers comment. Grounds for deferment had been raised during the meeting which indicated that a temporary deferment, for the clarification of calculations and the PROW, was requested and the application should therefore be considered at the next available committee. Therefore, officers asked for clarity as to the timescale of the deferment.
34. Councillor Woollaston advised that he had proposed a deferment to gain clarity on the officer's report on sizing and to enable the applicant to re-think some of the elevations, which might resolve the issues.
35. Councillor Cant recognised the policy issues raised by Councillor Hillary Cole and agreed that a short deferral would ensure that the calculations could be agreed and assure the Committee that they had all the information before making their decision.
36. The Chairman invited Members of the Committee to vote on the proposal of Councillor Woollaston, seconded by Councillor Abbs to defer the application. At the vote the motion was carried.

RESOLVED that the Head of Development and Planning be authorised to defer the application to the next available meeting of the Western Area Planning Committee.

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(2) **Application No. and Parish: 20/00540/FUL, Trabbs Farm, Seven Barrows, Lambourn**

Councillor James Cant declared a person interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Newbury Town Council. As his interests were personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Tony Vickers declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a member of the Local Access Forum and was until recently a member of the Ramblers Association Committee for West Berkshire and since all applications are adjacent to public rights of way, this interest was relevant. As his interests were personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Howard Woollaston declared a personal interest in Agenda Item 4(2) by virtue of the fact that he had been lobbied in respect of the application.)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/00540/FUL in respect of the erection of a general purpose agricultural storage building to allow storage of grain; other agricultural products; and farm machinery.
2. Councillor Clive Hooker noted that the application had been referred to committee due to more than 10 letters of objection being received.
3. Simon Till introduced the report to Members, which took account of all relevant policy considerations and other material planning considerations. In conclusion, the report detailed that the proposal was acceptable and it was recommended to delegate to the Head of Development and Planning to grant planning permission subject to conditions.
4. Paul Goddard was invited to provide observations on highway matters relating to the application. He noted the internal layout and access onto the highway were acceptable. He remarked that the short section of road connecting to the B4001 was relatively narrow for HGVs and he noted the objections from the racehorse industry. However, he stated that the site would attract just 18 HGV trips per year (nine to and nine from the site, so the impact would not be severe. Therefore the Highways Authority had no objection.

Removal of Speaking Rights

5. 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 been 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.
6. In accordance with the Extraordinary Council resolution written submissions had been received from Lambourn Parish Council, Nick Lawrence, Sue and Mike Lawrence, Robert Hall and Nicky Henderson, objectors and Robert Prescott, agent.
7. The written submission were read out by the Clerk to the Committee as follows:

Parish Council Representation

Lambourn Parish Council objects to this application on the following grounds:

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1. It will have an intrusive and unnecessary visual impact on the AONB. The proposed construction is large and not well-related to the other buildings on the site. Since one existing barn is being removed, it could be built close to the older buildings and not in such a visible position.
2. The site is at risk of flooding, particularly from ground water.
3. The increase in heavy traffic on the narrow road.
8. 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.

Objectors' Representation

Officer's summary of the written submissions of Nick Lawrence, Sue and Mike Lawrence, Robert Hall and Nicky Henderson, objectors.

There is much local ill-feeling and opposition to this development which would result in a permanent blot on the landscape. The new building would be highly visible from the road and surrounding vistas and is to be used as a commercial storage building for items from over 20 miles away. It brings no benefit or employment to the local area and the applicant does not even live locally. Furthermore, it is reasonable to assume that this development could act as a springboard for further unnecessary development. This development is inappropriate given the open character of the area and we question whether the AONB Management Plan for West Berkshire has been applied in this case. It is not acceptable for the new building to be set away from the existing farmstead, which blends well into the landscape, and insufficient justification for the need for such a large building has been provided within the document supporting the application. The existing hedging will do nothing to screen the new building. This is an Area of Outstanding Natural Beauty and it is incomprehensible that a large commercial building be allowed to be built in the middle of it.

The National Planning Policy Framework states that "great weight should be given to conserving landscape and scenic beauty". Is this being followed?

If the development is to be built, albeit a much smaller version, there must be a condition that no grain dryer is installed at a later date. A large number of racehorses are trained in the immediate area and a grain dryer would have a hugely detrimental effect on the air quality of the three racing stables nearby.

Lambourn is known as the Valley of the Racehorse and the racehorse industry is the largest employer. The vehicle movements stated appear to be a gross underestimate and there is significant concern over road safety if this development were allowed. The narrow roads of Lambourn are not suited to HGV traffic and additional vehicle movements would cause congestion. Moreover, the surrounding roads are regularly used by children, riders, staff of the racing yards and valuable horses and the lane is too narrow for a truck and car to pass. Large grain lorries would be a significant hazard for those that currently use this lane in relative safety. These large vehicles would also bring noise pollution.

The development sits next to a road that floods during heavy rain and opposite a field that floods due to local springs. The French drains and soakaways proposed will not work due to the water table being so close to ground level. The local residents have experienced this flooding themselves and the Council have a duty of care when considering this matter.

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The local residents firmly object to this development which will bring noise and traffic pollution, road safety issues and which would be extremely unsightly and inappropriate development. Please protect this area of outstanding natural beauty.

Agent's Submission

Written by Robert Prescott, agent.

Dear Sir/Madam,

Thank you for letting us make a representation to committee.

The comments I now make seek to avoid repetition of the case officer's report. However, I would reiterate the point that the store is necessary for our client's farm business as a whole, to serve other land parcels as well as that at Trabbs Farm. Moreover, without a store at Trabbs Farm, the land could not function in farming terms. As the officer has stated, it is not practical to utilise any of the existing buildings on the farm.

This application closely follows the advice received from the Council as part of the pre-application process, which was fundamental in ensuring the best location on the site was promoted, and guided design and materials.

We are only too aware of the national importance of the landscape character of the area. So much so that we suggested that the council's external landscape adviser should be consulted. We have liaised with her through the case officer to make appropriate modifications and designed a scheme that, as the report states, "it is considered that the proposed design and planting scheme would ensure this new agricultural building would sit comfortably within the landscape".

Our client is very keen to ensure that the building and the future operations on the farm do not damage the visual amenity of his neighbours. He therefore met the occupants of the nearest properties to both North and South prior to the application being submitted. At that time, neither expressed any concerns. In the light of subsequent concerns being expressed, Mr Walters met the occupants of Trabbs Farmhouse to discuss the proposals, and the plans before the committee, dated 6th July 2020, reflect modifications made as a result of the discussions.

In short, this is an essential farm building for good husbandry of the land, to allow for food production. Its location close to the road both allows efficient farm operations and respects the character of the AONB and neighbours' amenity. We hope you will support the officer's recommendation and approve the application, with necessary conditions.

Ward Member Representation

9. Councillor Howard Woollaston in representing the Committee as Ward Member made the following points:

- He had visited the site and saw no reason not to follow the officer's recommendation.
- The applicant had followed pre-application advice to the letter as well as subsequent requirements from the Council's landscape consultants.
- The current buildings were not fit for purpose and were more problematic for the Area of Outstanding Natural Beauty (AONB) than the proposed one and should be demolished, in his view. The existing buildings could not meet the legitimate needs of the applicant.
- The new proposal fitted in well within the landscape and the colour scheme would blend in, particularly when planting developed.

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- Mr Walters was a genuine working farmer with tenancies at several other farms in the area. Councillor Woollaston suggested that the applicant was not someone who 'played at farming' or used it as a tax break.
- Although there had been a small number of local objections, these had all been answered in the officer's report.
- This would not be a high intensity use building, with an estimated 18 annual lorry movements with occasional car or light van movements.
- The site would only be used for storage of farm machinery and seasonal grain storage with no dryer, so there would be no noise, and light pollution would be negligible.
- Agriculture was an integral part of the countryside and should be encouraged.
- He invited members to support the officer's recommendation.

Member Questions of the Ward Member

10. Members were invited to ask questions of the Ward Member. Councillor Adrian Abbs asked where the other plots of land referred to in the report were.
11. Councillor Woollaston did not know exactly, but indicated that they were all in the western part of the district with the exception of one in South Oxfordshire.
12. Councillor Abbs indicated that some were 20 miles away and thought that this was a long way to sit behind a tractor. He also highlighted that an existing barn was to be removed. While he recognised that the existing barns were in the middle of an open field, he suggested that replacing an existing barn might be a better option than building a new one in a different location of the field.
13. Councillor Woollaston indicated that there were two barns; the Dutch barn with open sides was to be demolished, and the other had eaves that were too low to be used for farm machinery. He indicated that one barn had some historical interest and was being reviewed, but in his view it was an eyesore and was also further towards the valley bottom.
14. Councillor Phil Barnett asked about comments made in relation to HGV traffic. He noted that the farm opposite had a lot of HGV movements and indicated that this was already using local roads.
15. Councillor Woollaston indicated that there were significant numbers of HGVs already using the B4001, which was only a few hundred yards from the site.

Questions to Officers

16. Members were invited to ask questions of the officers. Councillor Abbs asked Simon Till if a barn was being removed, why it could not be replaced in the same location.
17. Simon Till replied that he could not force the applicant's business decisions. He indicated that the applicant had engaged in pre-application advice and that he had been directed to the area of least impact on the site. He confirmed that advice had been sought from the landscape consultant and this was the preferred location for the barn, and would result in less visual intrusion than if it were sited where the existing buildings were located. He noted that the existing buildings had been described as an eyesore by the Ward Member, and this was indicative of their prominent position within the landscape, which the proposed site would not have.

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18. Councillor Vickers asked the Highways Officer about the remarkably low number of vehicle movements and queried if this had been checked and challenged.
19. Paul Goddard indicated that the size of the building and amount of grain storage had been considered. He stated that the movements would be spread throughout the year. He continued that the applicant would be given the benefit of the doubt, particularly where it was difficult to obtain evidence to the contrary, and suggested that there was little choice but to take this at face value.
20. Councillor James Cole asked if the 18 movements were related just to grain transport, and indicated that the unit would also be used for storage of machinery, which could account for more movements.
21. Paul Goddard confirmed that the 18 movements were for grain transport only and other movements could take place, but were unlikely to be significant enough to influence the officer's decision.
22. Councillor Culver asked about what would happen if significant archaeological items were found at the site. She also asked why the ecologist had not commented on the application.
23. Simon Till indicated that the Council's archaeologist had reviewed the application and that she had identified that there was a potential for archaeological finds. Therefore, she had recommended a condition for a written scheme of investigation to guide the methodology by which archaeology was investigated and finds dealt with. He suggested that there was an outside potential for archaeological finds given how long the site had been farmed, but any finds would be dealt with in an appropriate manner, since it would be under the supervision of the Council's archaeologist and the applicant's appointed archaeological contractor.
24. In respect of ecology, he stated that the Council's ecologist had the opportunity to comment. He explained that it was common practice to make comment where there were concerns. Without comments, officers had to make a reasoned determination in regards to what was known about the site. He indicated that although it was within 300m of an SSSI and close to a biodiversity opportunity site, it was not within it.
25. He confirmed that the land was within regular agricultural use, so harmful ecological impacts were considered to be limited. The habitats regulations were separate legislation to planning, and if protected habitats were discovered then the applicant would have a duty of care to cease construction during nesting or relocate protected species if discovered, with the help of a professional ecologist. Without feedback from the ecologist, the planning officer had made a reasonable judgement.
26. Councillor James Cole pointed out that horses and large vehicles did not mix well. He indicated that the building would be used for vehicle storage and grain would be transported to the site. He asked about the extent of conflict between horses and vehicles on the narrow access road.
27. Paul Goddard agreed that horses and large vehicles did not mix well, but noted that vehicle movements would be too low for the Highway Authority to raise objections. He acknowledged that some vehicles could be stored on the site, but indicated that the building was too small for this to be significant. He concluded that there was too little impact on the horse racing industry for officers to object.
28. Councillor Abbs asked how close the racehorse gallops and stables were to the development.

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29. Simon Till responded that he did not have specific information about proximity, but the lane adjacent to the site was regularly used for the exercise and movement of horses, but he could not comment on the proximity to stable complexes.
30. Councillor Abbs indicated that he wanted to support rural businesses, but asked officers for their opinion on the net impact if the development were to force a racehorse stable to relocate.
31. Simon Till indicated that rural businesses could and should coexist with each other. He explained that a condition had been recommended in relation to plant and machinery controls, since noise could jeopardise the safety of horses and riders. However, he stated that the Council had to be reasonable and that the land surrounding the site was predominantly in agricultural use with some equine uses alongside.
32. He indicated that these uses could and do coexist in line with policies in the Local Plan, to ensure the vitality of rural areas. He stated that in his view, this application did not give rise to unreasonable constraints or concerns to the operation of the racehorse industry in the area. In his view, there was some misunderstanding of the number of vehicle movements associated with the proposed development and he suggested that any concerns about plant and machinery could be addressed by condition.
33. Councillor Jeff Cant stated that he found it frustrating that Members were asking officers to speculate about the relative importance of different rural businesses and whether stables might relocate if this development were approved.
34. Councillor Clive Hooker indicated that he thought it appropriate to bring these issues up in the debate. He then asked Paul Goddard about articulated lorries using narrow rural roads and asked him to confirm whether he had considered creating passing places, to enable vehicles to pull over and let horses or cars go past.
35. Paul Goddard indicated that passing places were sought where required. However, he indicated that the link road was 850m long, which was a relatively short length and the number of vehicle movements was too low to justify the provision of passing places. He stated that the grain store was quite small and did not justify improvements to the highway network.

Debate

36. Councillor Hilary Cole opened the debate. She recalled a site visit to a property beyond Trubbs Farm some years ago and noted that there were several scattered properties along this track. She stated that agricultural buildings were functional and farms were commercial enterprises. She suggested that the Council needed to support farms, while being mindful of the horse racing industry. She noted that horses themselves needed to be transported and owners used the lane. She suggested that the 18 lorry movements suggested in the application would be fairly irrelevant and needed to be accepted, since it was a farming community. She highlighted that there were regularly horses in Lambourn and people living there accepted it. She made a proposal to accept the officer's recommendation. Councillor Vickers seconded the proposal.
37. Councillor Vickers noted that the applicant had engaged fully with the planning service. He stated that he had visited the site, including the Seven Barrows nature reserve. He considered that there was no reason for racehorses to use the 800m stretch of road to travel between stables and gallops and suggested that any conflict with lorries and racehorses was a red herring. He also indicated that he

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could not see how the site could be flooded since it was not in the valley bottom. He suggested that the application could improve the landscape if the existing buildings could come down.

38. Councillor Barnett indicated that he had no problem passing other vehicles when he visited the site. He commented that the verges might be softer in winter, but thought it would not be a problem. He noted that he could see the whole length of the road and could see all on-coming vehicles.
39. Councillor James Cole indicated that there was a difference between drivers who were and were not horse aware. However, he indicated that this was a genuine agricultural application for a barn that was unlikely to be converted to a dwelling at a later date. He indicated that if the movements were genuine then he could not object to the application.
40. Councillor Abbs agreed that there was no evidence to support the objections.
41. Councillor Hooker noted that no additional conditions were being sought over and above those listed in the agenda.

RESOLVED to delegate to the Head of Development and Planning to **grant** planning permission subject to the following conditions

Conditions

1. Commencement

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed below:

- Drawing title: Plans and Elevations received on 27 February 2020
- Drawing titles: Location Plan; Block Plan; Site Plan; Visibility Splays; Landscape Plan received 6 July 2020.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Materials

The materials to be used in the development hereby permitted shall be as specified on the plans, application forms and within the planning statement received 27th February 2020.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

4. Gates

Any gates to be provided at the new access, shall open away from the adjoining highway and be set back a distance of at least 16 metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance

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with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

5. Visibility Splays

No development shall take place until visibility splays of 2.4 metres by 215 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

6. Appearance of Site Access and Gates

No development above ground level shall take place until full details of the visual appearance of access into the site and gates have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the access and gates are appropriate to the rural character of the area. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

7. Parking

The development shall not be brought into use until the vehicle parking and turning space have been surfaced and provided in accordance with the approved plan. The parking and turning space shall thereafter be kept available for parking at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Archaeology

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

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

9. Construction

No construction works shall take place outside the following hours:

- 7:30am to 6:00pm Mondays to Fridays;
- 8:30am to 1:00pm Saturdays;
- nor at any time on Sundays or Bank Holidays.

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Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

10. Fences, Gates or Walls

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or an order revoking and re-enacting that Order, with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the red line curtilage of the application site as shown on drawing title: Location Plan received 6th July 2020 without the express permission of the Local Planning Authority through the submission of a planning application made for that purpose.

Reason: To protect the rural character of the surrounding landscape. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

11. Lighting

If any alterations are proposed to be made to the external lighting of the site, an external lighting plan should be submitted to and approved in writing by the Local Planning Authority by way of a formal application to discharge this condition.

Reason: To ensure that the lighting of the site is appropriate given the surrounding landscape character and rural nature of this site which is located within the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

12. Plant

No plant shall be installed on site until details have been submitted to and approved in writing by the Local Planning Authority in respect of a planning application. The plant and measures to minimise the effect of noise shall be installed prior to the operation of the plant in accordance with the approved details. Details of the plant shall include:

(a) written details of the plant associated with the development including:

(i) the proposed number and location of such plant as well as the manufacturer's information and specifications

(ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.

(iii) the intended operating times.

(b) The findings of a noise survey to determine noise levels in the vicinity of the proposed development and calculations showing the likely impact of noise from the development;

(c) a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development.

Reason: To protect the amenity of residents and nearby land users in accordance with the National Planning Policy Framework and policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policies OVS5 and OVS6 of the West Berkshire District Local Plan Saved Policies 2007.

13. AONB

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Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development which would otherwise be permitted by Schedule 2, Part 6 of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: In the interests of respecting the character and appearance of the surrounding area which is located in a sparsely developed area within the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

14. Landscaping

All landscape works shall be carried out in accordance with the submitted plan, planting mix, and planting and maintenance details received 6th July 2020. The approved landscape works shall be implemented within the first planting season following completion of development. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or seriously damaged within five years of completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which is essential to the scheme. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

(3) Application No. and Parish: 20/00612/FULD, Riverbend, Upper Eddington, Hungerford

(Councillor James Cant declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a member of Newbury Town Council. As his interests were personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Tony Vickers declared a personal interest in Agenda Item 4(3) by virtue of the fact that he was a member of the Local Access Forum and was until recently a member of the Ramblers Association Committee for West Berkshire and since all applications are adjacent to public rights of way, this interest was relevant. As his interests were personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors James Cole and Phil Barnett declared a personal interest in Agenda Item 4(3) by virtue of the fact that they had been lobbied in respect of the application.)

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/00612/FULD in respect of a Section 73A variation of condition (2) plans of approved 18/02374/FULD – demolition of 2-bed dwelling house and erection of new 3-bed dwelling house
2. Lydia Mather introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. She summarised her conclusions by noting that in terms of amenity, the application was considered acceptable as the increase in height of 30cm was not enough to warrant refusal, and the impact of the noise from the air source heat pump on the adjacent property would be mitigated with acoustic screening.

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3. In terms of impact on the character of area, the cladding would be put in place with the addition to the condition that it should not be painted, so as to blend in better with the landscape.
4. Considerable harm had been caused to the setting from the loss of trees, which had made the building more prominent in its surroundings. The proposed planting scheme differed from what was meant to be retained to the south of the property, but this was considered acceptable. There was an additional recommended condition in the Update Report regarding supplementary lower level planting to be put in place, while trees matured.
5. In conclusion the report detailed that the proposal was acceptable and approval was justifiable, subject to the conditions contained in the report and on the Update Sheet. Therefore, on balance, officer's recommended the Committee grant planning permission.

Removal of Speaking Rights

6. 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 been 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.
7. In accordance with the Extraordinary Council resolution written submissions had been received from Hungerford Town Council, the Chief Executive of the Town and Manor of Hungerford, objector and Justin Packman (WYG Group Ltd), agent
8. The written submission were read out by the Clerk to the Committee as follows:

Parish Council Representation

Written by Hungerford Town Council.

HTC had no objection to the original plans submitted for this planning application. Although it is a very distinctive modern design there are a variety of different designed houses within the immediate area of the proposed property.

However, the original plans were not implemented and the resulting structure bears only a passing resemblance to the original plans. The vast majority of these changes to proposed conditions are retrospective. Major changes were made in a blatant disregard of the original planning consent.

The natural larch wood cladding was disregarded and replaced with a garish tasteless bright blue with the assertion that it "reflected the colour of the sky" so was more in keeping with the landscape. Nothing could be further from the truth. The applicant has now agreed to revert to the original plans. If the committee are minded to approve this application, we urge them to state explicitly that all areas of the structure that are currently blue are replaced with the original Natural Wood in natural colour.

Trees on this site have been decimated, as the photographs demonstrate and the committee report supports. Again, if the committee is minded to approve the variations then we would ask that the new planting is rigidly enforced to mitigate the visual impact of the building.

The height of the structure has been increased; the applicant would have us believe this was due to an apparent architect error. This is a third of a metre, which would have been spotted long before the structure was complete. This is a major change to the building

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which is unacceptable. This makes the structure much more visible from every direction. As a consequence, this has a significant impact on the AONB and nearby SSSI.

The fascia boards on the building were originally supposed to be 300mm in depth. They are 600mm and a change in colour again ignoring completely the original plans.

There are other changes which appear to have “slipped under the radar”. The roof lights are dome shaped which make the structure look like a swimming pool building these, fortunately, are to be replaced under these new conditions. The balcony is the full width of the northwest elevation the original plans had the balcony only part way across the elevation. The timber screening, again on the North west elevation, to the study should remain as it softens the whole structure on that elevation.

This is another example of a planning application being approved according to the plans submitted and a completely different structure being built. The applicant is only requesting these amendments because he has been found out.

If the committee is minded to approve this application, we would urge West Berkshire Council's building control officer to be extra vigilant in enforcing these approved conditions.

Objectors' Representation

Written by the Chief Executive of Hungerford Town and Manor

As the neighbouring land owner to the south of the property, across the River Kennet, we welcome the decision that the upper floor areas, currently finished in blue render, are to be finished in vertical larch cladding. May we ask that it be made completely unambiguous in your consent that this must apply to all the blue painted areas and that the cladding must be natural coloured?

On the issue of landscaping, we challenge most strongly the conclusion that the unauthorized felling of the majority of the trees on the site, and the consequent loss of screening, particularly when viewed from the river, is acceptable in planning terms.

The Committee Report acknowledges that the extensive tree felling is materially harmful to the countryside setting, the AONB and the SSSI. It states incorrectly that the proposed landscape planting returns trees to the site to mitigate the impact on the SSSI and the river to the south.

There is no new planting shown which would screen the property from the river (see the lower image on slide 2 of the Committee Report Photos) which clearly shows the loss of screening.

May we also point out the “Existing open view to River” shown in the proposed landscaping scheme only exists because the applicant felled nearly all of the mature trees to create it.

Agent's Submission

Written by Justin Packman (WYG Group Ltd).

Consent was granted for the replacement dwelling in November 2018. The approved design was for a house to be fabricated in and sourced from Germany. With the possibility of a no deal Brexit looming in the autumn of 2019, my clients had no choice but to significantly accelerate their timetable for construction to avoid significant financial penalties that would have rendered the scheme unviable. Pre- commencement conditions were discharged during the course of 2019 but there was no time to gain approval for amendments to the design before construction began.

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In retrospect my clients regret this, as the changes to the scheme were clearly the source of some distress to the occupiers of neighbouring properties. Since undertaking these changes my clients have worked constructively and cooperatively with the Local Planning Authority to regularise them, scale them back, or reverse them completely.

The use of blue render instead of timber cladding was considered to be a particular point of contention with neighbours and officers alike. As such my clients have agreed to revert to the original elevational treatment of timber cladding.

Other more minor matters relating to the installation of a retaining wall, the relocation of a flue, fenestration changes and clarification about the finished height of the dwelling have also been agreed. The officer has noted in her report that the 30cm height difference is not considered to materially harm the outlook from the neighbouring dwelling.

The design of the rooflights was also discussed and my clients have agreed to replace the domed tops with flat ones, this and the sedum roof will make the rooflights less intrusive.

Finally, my clients have also agreed to a revised and expanded scheme of landscaping to include native species (to replace conifers including leylandii) to soften the appearance of the dwelling especially when viewed from the west.

The end result is a scheme that meets the needs of my clients without departing significantly from the original approved design or resulting in increased visual harm.

Given the extensive work that has been undertaken to rectify these changes and the constructive manner in which we have engaged with the Council it is hoped that members will support the officer recommendation for approval this evening.

Ward Member Representation

9. Councillor James Cole in representing the Committee as Ward Member made the following points:
 - There was immense unhappiness within local residents as to what the applicant had done without planning permission given in the original build.
 - However Lydia Mather's recommendations were indicative of the fact that she had listened to people's concerns, with regard for example to the removal of the trees ruining the landscape, and that the open view of the river only existed because the applicant had felled so many mature trees to create it.
 - It could be argued that the striking blue cladding and large fascia boards were totally inappropriate to the area. The applicant had ignored the approved height of the building and increased it, which would be difficult to change retrospectively as this was a pre-fabricated building. When talking to the Town Council, the applicant had suggested this was an architect error.
 - Other changes had also been agreed, such as the heat pump and the inclusion of the acoustic screening which Lydia Mather had added. Consequently the building had now come a long way. The trees were in part to be replaced and a suggestion for shrub cover would be beneficial.
 - However Hungerford Town Council and Hungerford Town and Manor would want the changes to go further, with a specification for larger trees, and the cladding to be returned to natural, timber cladding.
 - In order to resolve the height issue, Councillor James Cole appreciated that it would be necessary to demolish the current structure and it would be for the Committee to agree if this would be appropriate.

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- Hungerford Town Council believed there was a real issue with planning permissions being ignored. If the Committee determined to follow the officer's recommendation and grant planning permission, he felt it was necessary to send a message through the press or a suitable medium, that simply ignoring planning permission will not be allowed. In the future, if a similar scenario occurred and the circumstances meant that the structure had to be torn down, he would have no hesitation in asking for this to happen.

Member Questions of the Ward Member

10. There were no questions from Members for Councillor James Cole.

Questions to Officers

11. Councillor Adrian Abbs asked whether the way to send a clearer message to applicants would be to refuse the application. Councillor James Cole responded that as the officer had worked hard to address everything except the height that would be difficult, and would effectively require the applicant to demolish the property.
12. Councillor Tony Vickers asked Lydia Mather why officers had accepted that the view would not be screened from the south, and asked if it was possible to instruct the applicant to reinstate the planting, using semi mature trees. Lydia Mather responded that she had consulted the Council's Tree Officer, who was satisfied with the landscaping proposals and the size of the trees. She added that this was the fourth or fifth landscaping proposal she had received, as she had been continually pushing for further changes. The tree planting scheme proposed would provide sufficient screening from the river, although they would take a little while to mature. To be fair to the applicant, the previous screening had included leylandii and the proposed screening would use more native species and would include a hedge.
13. Councillor Carolyn Culver offered her thanks to Lydia Mather for the work she had carried out on the application, tackling the frankly outrageous contraventions of the original planning permission. She noted that as Hungerford Town Council had asked for more planting by the river, whether it would be possible to include this as a condition. Lydia Mather responded that in the areas where the trees would take a while to mature, she had recommended the planting of lower level shrubs to help the house blend in with the surroundings, and this was covered in the Update Report.
14. Councillor Hilary Cole echoed her thanks to Lydia Mather for her thorough work and felt she was a credit to the service. She asked if some of the trees had been felled to create a view from the house of the river. Lydia Mather responded that this was possible, but it was speculation and she was unsure of the applicant's reasoning for this, as she had not been involved with the application at the time.
15. Councillor Abbs enquired what methods were available to send a strong message to other applicants that this behaviour was unacceptable, for example whether it would be possible to impose a fine. Lydia Mather said that if the site had been in a conservation area or if there had already been Tree Preservation Orders in place, it would have been possible to do so. However this did not apply in this case and she had been working closely with the agent to achieve the amendments before the Committee. Consequently, she would not be recommending refusal.
16. Councillor Abbs further enquired whether the changes that had been secured with the plans were sufficient to result in the Council losing an appeal to the Planning

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Inspector if the application was refused. Lydia Mather affirmed that this was her view.

17. Councillor Clive Hooker asked if the changes included retaining the roof with a plastic thermal material or if it would be reverted back to zinc. Lydia Mather responded that she was happy for it to remain as thermos- plastic roof as it was the same colouring. Also, a neighbour had been concerned that a zinc roof might be too reflective.
18. Councillor Hooker then asked if the condition relating to the replacement of dead or removed trees and shrubs was set at the usual five year period. Lydia Mather confirmed that it was. Councillor Hooker asked if it would be possible to extend this beyond the five year period. Lydia Mather responded that five years was a normal time period, however it would be possible for Members to increase it.
19. Councillor Culver queried whether the applicant was being asked to replace all the blue areas with natural wood and Lydia Mather confirmed that this was the case.
20. Councillor Abbs enquired whether Tree Preservation Orders had been imposed on the remaining trees and those yet to be planted. Lydia Mather replied that this could be raised with the Tree Officers.
21. Councillor Barnett's connection did not allow him to be heard. He therefore exited and re-joined the meeting to resolve the issue.

Debate

22. Councillor Howard Woollaston stated that he had been shocked to learn that the original scheme had been approved. He congratulated the officer for remedying what appeared to be a disastrous situation. He wanted to see the applicant penalised for making a mockery of the Committee. He asked whether it could be made a requirement for the applicant to plant mature replacement trees, at their own cost.
23. Councillor Vickers noted that the top end of the site had now been transformed by the removal of the trees. He also commented that he wished there was something the Council could do to prevent people building fences along the entire length of their curtilage, as it ruined the view over the Area of Outstanding Natural Beauty (AONB). He added that he was aware that it was not relevant to this application, but he wished there had been Tree Preservation Orders on the trees. However he was glad that the hedge was being reinstated and although he felt that the Committee would have to approve the application it should not have reached this stage.
24. Councillor Culver observed that the damage to the landscape was outrageous and the problem with removing trees was that once they were gone, they were gone. She noted that the agent had used the excuse of his concern about the possible consequences of Brexit for having to act so quickly, however she felt that everyone would have to live with the consequences of Brexit, whatever they may be. If everyone were to act on what they predicted the consequences of Brexit might be, then there would be chaos. She added that she would like to see the agent and applicant reprimanded in the strongest manner available to the Committee, as this situation was not acceptable.
25. Councillor Abbs voiced his support for Councillor Woollaston's suggestion that mature trees should be planted. He would also like to ensure that screening be returned to the river.

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26. Simon Till interjected to advise that there were no punitive measures available under planning legislation. Outside of taking formal planning enforcement action to have the works reverted to their approved form, the purpose of the planning process in considering this application was to apply conditions, if necessary, for genuine planning reasons to mitigate the harm of development. Conditions could not be used to impose sanctions or punitive measures on the applicant. He asked that Members be clear when arriving at any additional conditions that they met the tests of planning conditions stipulated within the National Planning Policy Framework (NPPF), including being necessary and reasonably related to the planning permission granted.
27. Councillor Barnett remarked that his first reaction on visiting the site was that it looked like someone had started painting an NHS rainbow on the side of the house. He thought it was too striking and totally unsuitable for the area. He clearly saw that the site had been levelled off and there was therefore a change in gradient. The north side of the site, which he had viewed from the Leverton Road, was very striking so even if a hedge or mature trees were planted it would still be a very imposing property for some years to come. Therefore it was important to ensure the building was more enclosed.
28. Councillor James Cole commented that it was practical to consider planting older, larger trees, as although it would be expensive, it could be achieved and would find favour with the residents of Hungerford. Copper Beech trees had been suggested in the plan and in his experience they did not always survive for long, it would therefore be advisable to extend the five year period for their replacement should they die.
29. Councillor Hilary Cole agreed with the comments made by Councillors Cole and Culver about the anger and irritation these Section 73A applications caused. She noted that a strong message needed to be sent, stating that the planning authority objected to any departures from the approved plans. However, there was not much that could be done about the current application and she acknowledged that the Members would probably have to approve it. She also recommended that sufficiently mature trees were planted that would survive, and she reluctantly proposed that the Committee should accept the officer's recommendation to grant planning permission. This was seconded by Councillor Cant.
30. Councillor Abbs noted that he was inclined to vote in favour of the application as Lydia Mather had suggested, as she had done well to achieve all the changes. With regard to the conditions, he proposed that there should be a stipulation for more trees, in the expectation that not all of them would survive, and that they should be a mixture of large and small trees.
31. Councillor Vickers added his support but requested that Condition five was changed from five to seven years from completion of the approved landscaping scheme, instead of the completion of the development.
32. Councillor Hilary Cole was happy to second the proposed change to the condition. The Chairman asked the Committee if they were in favour of Councillor Vickers' proposed changes and all voted in favour.
33. The Chairman further asked whether the Committee wished to go through the rest of the conditions or if they would be happy to leave them for officers to finalise.
34. Lydia Mather confirmed that the wording in Condition five was quite clear and the change from five to seven years was justified. However she asked if the Committee was proposing to accept the conditions in the report, as well as those

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included in the Update Report and the Committee confirmed that this was the case.

35. The Chairman asked Councillor James Cole for a recommendation as to the size of tree that should be planted. Councillor James Cole replied that the scheme typically proposed trees with diameters of 8-12cm, he would suggest that adding 5cm to these diameters would give the desired height.
36. Simon Till suggested that the officers drafted the revised conditions and agree them with the Chairman and Councillor Hilary Cole. The Committee confirmed that they were happy with this.
37. The Chairman invited the Committee to vote on the proposal of Councillor Hilary Cole as seconded by Councillor Cant to grant planning permission. At the vote the motion was carried.

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

Conditions

1. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Drawing 02,

Bat Survey Report by Ecology By Design,

Biodiversity Report by Thames Valley Environmental Records Centre,

Primary Ecological Assessment by Windrush Ecology,

Archaeological Evaluation by Thames Valley Archaeological Services Ltd, Design and Access Statement received on 4 September 2018,

Email and drawing received on 29 April 2020 with details of the wall to the parking area,

Email received on 14 May 2020 with details that the roof lights shall be flat,

Drawings 01 J and 11 F (excluding the annotation on the external wall materials) received on 1 June 2020,

Structural Landscaping document by Certhia Consulting Ltd including drawing ccl/rb/ls01 Rev 04 received on 6 July 2020.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. Acoustic screening of air source heat pump

Within 2 months of this permission details of acoustic screening to go around the installed air source heat pump shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the noise reduction specification of the screening materials. The acoustic screening shall be provided in accordance with the approved details within 2 months of the date of the approval of the details..

Reason: In the interests of amenity and respecting the designated landscape and rural character and appearance of the surrounding area in accordance with policies ADPP5 and CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007, and the National Planning Policy Framework.

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3. Tree Protective Fencing

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified in the Arboricultural Report by Certhia Consulting Ltd including drawing ccl/rb/tp/001. Within the fenced areas, there shall be no excavations, no storage/mixing of lime based products or fuels, no storage of materials, or machinery, no parking of vehicles, no fires.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

4. Materials (amended condition)

The changes to the external materials shall be completed within 6 months of the date of this permission. Notwithstanding the annotations, fascia depth, and balcony on the northwest elevation on drawing 11 Rev G received on 1 June 2020 the external materials shall be:

Vertical larch cladding to the upper level, (where parts of the building are currently painted blue), and the larch cladding shall be natural and not colour painted;

White coloured render to the lower level and inset areas on the upper level (which are not currently painted blue);

Anthracite coloured fascia and balcony balustrade;

Sedum roof to the garage element;

Rhenofol CV (thermoplastic polymer) in grey to the main roof;

Flat/flush roof lights;

Fascia depth of 300mm;

Timber slats to the balcony on the northwest elevation outside the study;

Gravel stabilisation grids to the driveway/parking area.

Reason: To ensure that the external materials are visually attractive and respond to local character and the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C7 of the West Berkshire Housing Site Allocations DPD 2006-2026; and Supplementary Planning Document: Quality Design 2006.

5. Landscaping

(NB: this condition is to be amended in consultation with the Council's Tree Officers and Councillors Hilary Cole and Hooker, for larger trees to be planted and further planting to provide additional screening to the River Kennet)

All landscape works shall be implemented in full and carried out in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information within the Certhia Consulting Ltd Arboricultural Report including drawing number ccl/rb/ls01 rev 04 received on 1 July 2020, document titled Condition No. 6 and associated site plan received on 8 August 2019 detailing the orchard area with 20 fruit trees/bushes spaced 5-8m apart.

The approved landscape works shall be implemented in full within the first planting season following first occupation of the dwelling. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become

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diseased or become seriously damaged within seven years of completion of this development/completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy C7 of the West Berkshire Housing Site Allocations 2006-2026.

6. Bat boxes

The dwelling hereby permitted shall not be occupied until the bat mitigation measures shown on drawing 11 G received on 1 June 2020 have been provided and shall thereafter be retained.

Reason: To ensure the protection of bat species, which are subject to statutory protection under European Legislation in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, and Policy C7 of the West Berkshire Housing Site Allocations 2006-2026.

7. Lighting

The dwelling hereby permitted shall not be occupied until the external lighting has been installed in accordance with drawings DD/M-M/RD/215-4 Rev B and DD/M-M/RD/215-3 Rev B, luminaire data sheets and document titled Condition No. 7 detailing that all external lights will be sensor operated (PIR) and be LED received on 13 August 2019.

Reason: To maintain dark night skies in an Area of Outstanding Natural Beauty and conserve protected species in accordance with the National Planning Policy Framework, and policies ADPP5 and CS17 of the West Berkshire Core Strategy 2006-2026.

8. Spoil

Any spoil arising from and not used as part of the development hereby approved shall be removed from site within 3 months of the first occupation of the dwelling.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy C7 of the West Berkshire Housing Site Allocations 2006-2026.

9. Means of enclosure

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no means of enclosure or other development which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be carried out to the west side boundary or south boundary towards the River Kennet, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: In the interests of respecting the rural character and appearance of the surrounding area including the North Wessex Downs Area of Outstanding Natural Beauty in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14, and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy C7 of the West Berkshire Housing Site Allocations 2006-2026.

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10. Extensions and outbuildings

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), policies C3 and C7 of the West Berkshire Housing Site Allocations (2006-2026), and Supplementary Planning Document Quality Design (2006).

11. Shrub Planting (additional condition)

Details of shrub planting towards the river to the south of the site around the retained and additional tree planting shall be submitted within 3 months of the date of this permission. The approved shrub planting shall be implemented in full within the first planting season following first occupation of the dwelling. Any shrubs planted in accordance with the approved scheme which are removed, die or become diseased or become seriously damaged within five years of completion of the approved shrub planting shall be replaced within the next planting season by shrubs of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and policy C7 of the Housing Site Allocations DPD 2006-2026.

Informatives

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil
3. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

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5. The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.

12. Appeal Decisions relating to Western Area Planning Committee

No appeal decisions were available relating to the Western Area.

(The meeting commenced at 6.30 pm and closed at 9.30 pm)

CHAIRMAN

Date of Signature