

# DRAFT

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, 11 NOVEMBER 2020

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

**Also Present:** Sharon Armour (Solicitor), Jenny Legge (Principal Performance, Research and Consultation Officer), David Pearson (Team Leader - Development Control) and Simon Till (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Adrian Abbs

#### 33. Minutes

The Minutes of the meeting held on 14 October 2020 were approved as a true and correct record and signed by the Chairman.

**Item 2, page 20, bulleted paragraph 2:** Councillor Carolyne Culver noted that, “Also her understanding was that most of the staff at the site came from outside the Ward and therefore the Committee...” should read, “Also her understanding was that most of the staff at the site came from outside the Ward. The Committee...”

**Item 2, page 25, condition 5:** Councillor Culver asked that “overnight” be replaced with the specific timings agreed during the meeting.

**Item 2, page 26, condition 10:** Councillor Culver asked that constant background vibration noise be addressed in the condition, as discussed in the meeting.

**Item 2, page 27, point 5:** Councillor Culver noted that the Council Meeting had taken place on 10 September 2020, not 10 October 2020.

#### 34. Declarations of Interest

Councillors Phil Barnett, Tony Vickers and Andy Moore declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Dennis Benneyworth declared an interest in Agenda Item 4(3), 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.

#### 35. Schedule of Planning Applications

##### (1) Application No. and Parish: 20/01326/FUL, 11 - 13 Market Place, Newbury

*(Councillors Phil Barnett, Tony Vickers and Andy Moore declared a personal interest in Agenda Item 4(1) by virtue of the fact that they were members of Newbury Town Council and its Planning and Highways Committee where this applications had already been discussed. Councillor Vickers also declared that his wife was a ward member and had previously indicated her opposition to this application. Councillor Moore also declared*

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*that he had been lobbied on the application. As their interests were 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 20/01326/FUL in respect of 11 - 13 Market Place, Newbury. The applicant sought permission for a change of use of the ground floor from betting shop (Sui Generis) use to adult gaming and amusement centre with bingo (Sui Generis), including installation of associated signage comprising 1no. externally illuminated fascia sign and 1no. externally illuminated projecting sign.
2. Mr David Pearson, Team Leader – Development Control, 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 in planning terms and officers recommended to approve the application subject to the conditions outlined in the report and update sheet.

### **Removal of Speaking Rights**

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was 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. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
5. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Barney Ray, agent, who was not able to attend the remote meeting.
6. Individual written submissions were published online along with the agenda: <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=6067&Ver=4>

### **Agent's Submission**

7. The Clerk read out the representation.

### **Member's Questions to Officers**

8. Councillor Tony Vickers asked how the proposed condition on sound reduction would be implemented. He suggested that it was difficult to ensure this was implemented and effective prior to the development coming into use.
9. Mr Pearson indicated that the Council did not have the resources to proactively monitor every condition imposed and that they had to rely on applicants implementing conditions as agreed. However, he noted that agents were aware of the consequences if there were subsequent complaints, and if investigations found that noise mitigation had not been implemented correctly. He also highlighted that the development required a licence to operate, which must be renewed at regular intervals, and so this provided the Council with additional controls. He indicated that if members had particular concerns, the Enforcement Team could ask the applicant

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to notify the Council when the works had been completed, so an inspection could be arranged subject to available resources.

10. Councillor Andy Moore asked about the petition submitted by [friendsofnewbury.co.uk](http://friendsofnewbury.co.uk). He stated that he had not been able to find the organisation on the Internet and had emailed the contact without reply. He asked the officer if the petition had been validated. Mr Pearson explained that the Planning Department did not have the resources to routinely validate submissions, and so they were taken in good faith.
11. Councillor Carlyne Culver noted that officers had concerns about the company (page 40, point 6.16) and asked what these were. Mr Pearson confirmed that these were concerns raised by the objectors and that officers did not have any concerns.
12. Councillor Hilary Cole noted the proposal for 24 hour operation and asked if the Committee could change the operating hours. Mr Pearson confirmed that Members could restrict operating hours if they had significant concerns, but noted that the applicant had six months to take any condition to appeal if they did not agree with it. He noted that planning officers were not aware of what licence conditions might be imposed.
13. Councillor Hilary Cole suggested that the Planning Committee was operating blind, and that it might want one thing, and the Licensing Committee another.
14. Councillors Vickers and Moore stated that they had watched the livestream of the Licensing Committee meeting where this application had been discussed. Councillor Moore indicated that he did not know the outcome, but from the discussion he had seen, it was unlikely that the Licensing Committee could or wished to impose conditions limiting the hours of operation, and that they were subject to more significant legal constraints than the Planning Committee.
15. Councillor Culver asked how many jobs the development would create and the level of income generated. Mr Pearson stated that the supporting evidence showed it would create between six and twelve jobs, and that it would mean an empty building would become active again, generating business rates. He also noted the applicant had mentioned that the organisation made large donations to charity, but he did not recall any other figures about wider economic benefits.
16. Councillor Culver noted that moral issues were not applicable to the Committee's discussion, but asked if there would be any kind of shop that would not be considered appropriate for this location (e.g. a sex shop). Councillor Hooker suggested that this could only be addressed if such an application came before Committee in its entirety.
17. Mr Pearson stressed that it was important to bear in mind that the premises had existing permission for gambling, and so could revert to a betting shop at any time.
18. Councillor Moore noted that the application to the Planning Committee was for an adult gaming centre with bingo, but the application to the Licensing Committee was for a bingo centre, and wondered if this was a different application for a different purpose. Mr Pearson stated that he was not an expert on licensing, but he noted that the applicant would have gaming machines and online bingo games, and the information provided to the Planning Committee was an accurate indication of the intended use.
19. Councillor Howard Woollaston expressed concern about the proposed operating hours. Mr Pearson indicated that Members needed good grounds for restricting the hours of operation. He noted that there were no objections from Environmental

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Health or the Police. He suggested that it might be difficult to defend any restrictions on operating hours at appeal. He reminded members that the licence would need to be renewed at regular intervals, which would provide some control if there were issues. He noted that the applicant had similar premises around the country and had never had a licence revoked.

### Debate

20. Councillor Hilary Cole agreed with the agent's comments about the need for a pragmatic approach and to prioritise economic recovery. She confirmed that she had no issue with a gaming establishment at this location, but she saw no reason for it to have a 24 hour operation. She indicated that she would be more comfortable if the operating hours were restricted. She noted that Environmental Health had no reason to support restricted operating hours, but noted that the nearby nightclubs and pubs restricted their late opening hours to the weekends. She suggested that there was not a demand for 24 hour gambling in Newbury. She indicated that she was happy to support the officer's recommendation, but wanted to see a condition imposed to restrict opening hours to 2am at the latest.
21. Councillor Barnett seconded Councillor Hilary Cole's proposal. However, he noted that some customers may be addicted to gambling and that limiting the time they could spend there may be sensible. He also suggested that the development may attract people that the organisation may not want to accommodate, and staff would need to be properly trained to handle this.
22. Councillor Moore also expressed his support for Councillor Hilary Cole's proposal to limit operating hours, but acknowledged that it was difficult to make a strong case to do so, because of the limited noise nuisance. He suggested that it should close at midnight Monday to Friday and 3am on Saturday and Sunday to align with other entertainment venues in the area. He suggested that if the town centre was generally quiet after other businesses had closed, then customers leaving this development may disturb that quiet. He asked officers to assist with framing conditions.
23. Councillor Hooker asked Councillor Moore for his thoughts on opening times. Councillor Moore suggested 8am or 9am.
24. Councillor Jeff Cant indicated that ideally he would like to see the hours restricted to those of the existing betting shop. He suggested that the development could be a magnet for people leaving pubs when they closed, and suggested that it should close when the nearby pubs closed to guarantee peace for local residents.
25. Councillor Dennis Benneyworth agreed with Councillors Hilary Cole and Phil Barnett. He suggested that operation would be self-limiting, since it would not be economically viable to be open 24 hours a day. He suggested that it would not be universally popular within the town, and that closing at 12am in the week, and 3am at weekends would be acceptable.
26. Councillor Vickers noted that Councillor Moore knew the town centre well in his capacity as a street pastor. He agreed that gambling was addictive and that this was a good reason not to have 24 hour operation. He noted that it was unlikely to ever have more than one person working there, and this lack of support was a concern. He disagreed that this development was the same as a betting shop, since betting shops were quiet places and gaming machines were noisy. While he was impressed with the submitted sound report, which suggested that mitigation would be adequate, his experience as an applicant was that he had to spend a lot of money simulating the situation that the mitigation was designed to address, only to

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- find that the mitigation was not effective. He suggested that restricting the hours of operation would allow residents living about the shop to get some rest.
27. Councillor Moore noted that in the agent's response to one of the objectors on 14 September, he had accepted that an hours limitation may be possible, but subsequently changed his position.
  28. Councillor Hilary Cole proposed a condition restricting opening hours of 8am to midnight Monday to Thursday and Sunday, and 8am to 2am the following day on Fridays and Saturdays.
  29. Councillor Moore suggested extending the opening hours to 3am at weekends to be in line with Zinc nightclub.
  30. Councillors Hilary Cole and Barnett agreed to amend the original proposal to reflect Councillor Moore's suggestion.
  31. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole and seconded by Councillor Barnett to accept Officer's recommendation and grant planning permission for the reasons listed in the main report and update report, subject to an additional condition restricting opening hours to 8am to midnight from Monday to Thursday and on Sunday, and from 8am to 3am the following morning on Friday and Saturday. At the vote, the motion was carried by eight votes for and one against.
  32. Councillor Hooker experienced technical issues with his connection and temporarily left the meeting, so Councillor Vickers took over as Chairman.
  33. Councillor Culver noted the noise survey highlighted the need to constrain noise to 30 dB between 11pm and 7am, but this was not mentioned in the noise mitigation on page 41, point 4. She asked if this could be incorporated into the conditions.
  34. David Pearson confirmed that the application had been determined, so conditions could not be amended.
  35. Councillor Vickers asked if the existing condition satisfied Councillor Culver's concerns because the applicant was undertaking to meet the specified sound levels at all times. Councillor Culver noted that she had indicated that she wished to speak before the vote, but had not been allowed.
  36. Sharon Armour confirmed that the vote had been taken on the conditions listed in the agenda, which referenced the report, so the details of the report had been accepted.
  37. Councillor Hilary Cole suggested that the condition included what was specified in the update report.
  38. Councillor Vickers asked if the concern should be minuted and included as an informative.
  39. Sharon Armour confirmed that the conditions in the agenda pack and update report had been approved and suggested that Planning Officers could come back to Councillor Culver on whether her concerns were addressed by these conditions.
  40. Councillor Hooker rejoined the meeting. He agreed that the conditions were as per the agenda pack and update report, but with the additional condition on operating hours. He noted that no concerns had been expressed about the noise report or Environmental Health's comments. He noted that it was his right as Chairman to curtail discussion at any time.

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

### **Conditions**

#### **1. Approved Documents**

The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing Ref. MP/NEW/01 Existing Floor Plans and Shopfront Elevation (Rev. A) dated 12 June 2020
- Drawing Ref. MP/NEW/04 Proposed Fascia Sign and Projecting Sign Details (Rev. D) dated 30 September 2020
- Drawing Ref. MP/NEW/06a Block Plan dated 12 June 2020

Reason: To ensure that the development is carried out in accordance with the submitted details and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

#### **2. Commencement**

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

Reason: To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the permission.

#### **3. Materials as specified**

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms.

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 2019, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

#### **4. Noise Mitigation**

The development hereby permitted shall not be brought into use until all rectification works identified in Table 1 of the approved Noise Assessment Report (Ref: PR2001\_28\_FINAL) dated 01 October 2020 have been provided. Thereafter these works shall be permanently retained in accordance with approved details.

Reason: To protect the amenities. This condition is in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

#### **5. Hours of Operation**

The operating hours for the development shall be restricted as follows:

- Monday to Thursday and Sunday – 8am to midnight
- Friday and Saturday – 8am to 3am of the following morning

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Reason: To protect the amenities. This condition is in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### Informatives

1. In determining this application the Local Planning Authority has worked positively and proactively with the applicant by: scoping of the application and assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations. Further, the Local Planning Authority has: identified all material considerations and determined the application within the timeframe agreed with the applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
2. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the Customer Call Centre on: 01635 519111.

### **(2) Application No. and Parish: 20/01327/ADV, 11 - 13 Market Place, Newbury**

*(Councillors Phil Barnett, Tony Vickers and Andy Moore declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of Newbury Town Council and its Planning and Highways Committee where this application had already been discussed. As their interests were 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 20/01327/ADV in respect of 11 - 13 Market Place, Newbury. The applicant sought permission for the installation of associated signage comprising 1no. externally illuminated fascia sign and 1no. externally illuminated projecting sign.
2. Mr David Pearson, Team Leader – Development Control, 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 in planning terms and officers recommended to approve the application subject to the conditions outlined in the report and update sheet.

### Removal of Speaking Rights

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights were removed for virtual Council meetings. This right was replaced with the ability to make written submissions. This decision was 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. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the Remote Meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.

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5. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Barney Ray, Agent, who was not available to attend the remote meeting this evening.
6. Individual written submissions were published online along with the agenda:  
<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=6067&Ver=4>

### **Agent's Submission**

7. The Clerk read out the representation

### **Ward Member Representation**

8. Councillor Clive Hooker confirmed that the ward member had indicated that they did not wish to speak on this application.

### **Member's Questions to Officers**

9. Councillor Howard Woollaston asked if the sign was front-lit rather than back-lit.
10. Mr Pearson confirmed that there were down-lights on the top of the projecting sign, but it appeared that the fascia sign would be internally illuminated.

### **Debate**

11. Councillor Andy Moore proposed to approve the application as per the Officer's recommendation. Councillor Cole seconded the proposal.
12. Councillor Woollaston indicated that he was not happy for the fascia sign to be back-illuminated and he did not want to see a bright sign in the Market Place.
13. Councillor Clive Hooker asked Mr Pearson what conditions could be imposed to respond to Councillor Woollaston's concerns.
14. Mr Pearson considered the proposed sign to be similar to those on other premises in the area. He suggested that a condition could be imposed for the development not to commence until further details had been submitted for the lighting of the fascia sign.
15. Councillor Dennis Benneyworth noted that Councillor Moore was very familiar with the Market Place and asked if he was aware of any other backlit signage.
16. Councillor Moore was not sure, but suggested that One-Stop might have a back-lit sign. He indicated that there was a relevant photograph in the agenda pack.
17. Councillor Hooker asked if the proposed main advert over the top of the door would be illuminated. Mr Pearson confirmed that this and the projecting sign would be externally illuminated.
18. Councillor Vickers indicated that he did not feel strongly about the back-lit sign, but suggested that the lights could be turned off when the premises were closed. He considered that the main damage to the conservation area was from large signs, and the lighting did not bother him.
19. Councillor Moore did not have any concerns, but suggested that further information could be sought from the applicant.
20. Councillor Hilary Cole confirmed that she had no issue with the back-lighting and suggested that this was commonplace on any High Street. She did not consider that there was anything particularly redeeming about the Market Place that would make the sign inappropriate.



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21. Councillor Hooker asked if Members were happy for the application to be approved with no conditions.
22. Councillor Woollaston indicated that he was not.
23. Sharon Armour confirmed that if Councillors Moore and Cole who proposed and seconded the motion to approve the development without conditions were happy to proceed, then a vote should be held on that basis.
24. Councillor Woollaston reiterated his strong feelings that back-lit signs in conservation areas were inappropriate.
25. Councillor Cole noted that the sign on the museum, which was a listed building, was back-lit.
26. Councillor Woollaston indicated that he felt this was wrong, but was prepared to go with the majority.
27. The Chairman invited Members of the Committee to vote on the proposal by Councillor Moore and seconded by Councillor Cole to accept Officer's recommendation and grant planning permission for the reasons listed in the main report. At the vote, the motion was carried with seven votes in favour and two against.

**RESOLVED** that the Head of Development & Planning be authorised to **permit** advertisement consent application subject to the conditions listed below:

### **Standard Advertisement Consent Conditions**

1. Any advertisements displayed, and any site for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to secure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

### **Additional Conditions**

#### **1. Approved Documents**

The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing Ref. MP/NEW/01 Existing Floor Plans and Shopfront Elevation (Rev. A) dated 12 June 2020
- Drawing Ref. MP/NEW/04 Proposed Fascia Sign and Projecting Sign Details (Rev. D) dated 30 September 2020
- Drawing Ref. MP/NEW/06a Block Plan dated 12 June 2020

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Reason: To ensure that the development is carried out in accordance with the submitted details and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

### 2. Materials as specified

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms.

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 2019, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

### Informatives

1. In determining this application the Local Planning Authority has worked positively and proactively with the applicant by: scoping of the application and assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations. Further, the Local Planning Authority has: identified all material considerations and determined the application within the timeframe agreed with the applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
2. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the Customer Call Centre on: 01635 519111.

### (3) Application No. and Parish: 20/01620/FULD, Denford House, Denford Park, Hungerford, Kintbury

*(Councillor Dennis Benneyworth declared a personal interest in Agenda Item 4(3) by virtue of the fact that he worked in the equestrian world, including racing, however he had no connection to the owners of the site, nor the business operating there. He had also been lobbied by the applicant/agent and neighbour. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 20/01620/FULD in respect of the erection of a 1 bedroom North Lodge to be occupied in connection with Denford Park Estate with ancillary parking, turning, landscaping and garden area. Alterations to existing access arrangements including replacement boundary wall and gates in Denford Park, Kintbury.
2. Mr Simon Till, Principal Planning Officer, 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 in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

### 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 replaced with the ability to make written submissions. This decision was made in

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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. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
5. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from Mr Callan Powers (Fowler Architecture) and Ms Samantha Ross (Ross & Ross Consulting), agents. Both Mr Powers and Ms Ross were able to attend the remote meeting.
6. Individual written submissions were published online along with the agenda: <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MIId=6067&Ver=4>

### **Applicant/Agent's Submission**

7. The Clerk read out the representation. Members questioned the attendees as follows:
8. Councillor Tony Vickers question related to Condition 5, he queried what activities the employee and the employee alone would be undertaking with regards to security for the estate. In his experience there was a manned guardroom, rather than one sole employee. He queried whether the person who lived in the Lodge would be an active security person. Mr Powers confirmed that it would be a full-time security guard.
9. Councillor Andy Moore noted that there was an existing security Lodge at the southern end of the estate, and that CCTV was part of this application. He queried that as there were automated gates and the approach to the access was visible, whether the security function could be achieved through remote monitoring of the CCTV cameras from elsewhere on the estate without the need to build the proposed Lodge.
10. The Chairman asked for clarification as to whether CCTV was included in the application. Mr Till explained that the CCTV formed an ancillary development to the security room.
11. Mr Powers described that the north entrance was the main entrance through which deliveries accessed the estate. The southern entrance was not suitable for this purpose. There was an existing automated gate at the southern entrance, however this did not provide the estate with the necessary level of security. The security Lodge would mean that the guard would be able to monitor and control who entered the site and what areas they accessed.
12. Councillor Carlyne Culver noted that the guard would not be expected to work 24 hours a day, but would be living in the Lodge. She queried the arrangements for when the guard was not working, but was living in the Lodge, but someone else would be working in the guard room at the same time. Mr Powers explained that that there would be someone in the property 24 hours a day, but could not explain security details in a public forum.
13. Councillor Culver further questioned Condition 7 where it mentioned the kind of person who would be living at the Lodge, and it stated, "...or retired". She queried

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why a retired person would be living there, if the Lodge was intended for a security room. Mr Powers explained that this was standard condition wording for tying a dwelling to an essential worker and protecting the rights of the essential worker. He confirmed that it was intended to be a security Lodge. Councillor Culver asked if the occupant would be paying rent to the land owner. Mr Powers could not comment.

14. Councillor Moore asked whether the applicant had considered changing the southern entrance into the main entrance. Mr Powers reiterated that the southern entrance was not suitable for a main entrance.

### **Ward Member Representation**

15. Councillor Dennis Benneyworth in representing the Committee as Ward Member made the following points:

- Like most items that come before the Committee there was a weighing up of information from two sides. In this instance, a new build for operational and security reason in the Area of Outstanding Natural Beauty (AONB), against the concerns of the residents of the neighbouring Denford Park Lodge. The residents had emailed me their concerns which I had understood and carefully considered.
- As a policy led planning authority, very specific criteria had to be met when it came to new builds in the AONB. Policy C5 of the Housing Site Allocation Development Plan Document (HSADPD) seemed to fit this application with a regard to housing related to rural workers. Councillor Benneyworth quoted point 4.41 of the HSADPD, regarding the district's approach to the equine and racehorse industry. Taken in accordance with Policy CS12 would support the provision of new residential accommodation where it was shown to be essential.
- From a site visit with the applicant's agents and his fellow Ward Members a few months ago, he had learnt that this was the only suitable position for the main entrance for the estate. The question of a more temporary building was mentioned, but as it was to house a full-time operational facility for 12 months of the year, this was not considered to be appropriate, especially over the winter months.
- They learnt that the provision of the Lodge would allow for better monitoring of traffic entry and exit and prevent tail-gating. There really was no incentive to have anyone other than the security guard living in the Lodge.
- Overlooking had featured as one of the concerns, however he believed that due to the staggered offsetting and distance between neighbouring properties, this was not a significant factor and he the conditions applied should give the neighbours some comfort that the building would remain in use for its intended purpose.
- This was a sizeable estate, with the house sitting in some 130 acres, with a further 160 acres nearby acquired more recently. The stud was expanding its business and was a serious financial investment in his ward. The multi-million pound business provided employment either directly or through ancillary businesses, such as stud staff, security staff, gardeners, domestic staff, blacksmiths and vets etc. With bloodstock valued somewhere in the region of £10 million pounds plus, notwithstanding the high profile owner/applicant it was not unreasonable in his opinion to add this security feature.

### **Member's Questions to the Ward Member**

16. Members did not have any questions for the Ward Member

### **Ward Member Representation**

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17. Councillor James Cole in representing the Committee as Ward Member made the following points:

- There were lots of reason to object to the application, such as a house in the countryside, the access of the road and the conditions of occupation, should the application be approved.
- His primary objection was that this was a new house in the countryside. The justification was that it was needed for security and there were no other options available. A previous application had been refused as the proposal failed to demonstrate that there were no other suitable alternative dwellings that could be made available to meet the security need. He had not seen evidence to back that up. Nevertheless, if it were needed there were plenty of houses nearby that the estate could purchase and that in reality is what the estate is known to be looking at doing.
- From one point of view, it would be nice to have an extra house in that location, however it was not actually necessary. As some of the Committee had begun to wonder already, combined with the existing sophisticated electronic monitoring equipment, security could be provided by a guard hut that nobody would object to. Realistically this would better cover the 24 hour security need.
- From another point of view, a neighbour commented to Kintbury Parish, that it was important to note that, unless Denford House built a wall around the entire estate, it would always be open to security breaches. Therefore, security alone was not a good enough excuse for a new house in the countryside. In reality any self-respecting raider would now use a four-wheel drive and go through a hedge.
- As far as the access was concerned, it had been changed to remove the two-way option. With the current two-way process vehicles queued on the road when one gate was broken. The problem was that when you did get a problem, vehicles had to back up blindly into the lane and met other riders, pedestrians and cars. The block plan showed a lay-by inside the gate and a slightly widened splay for the entrance being retained. Quite apart from the effect on others nearby, he was not convinced that this would do what even the applicant would want, as it did not look big enough for the size of vehicles it was meant for.
- He thought it was a pity that the agent had not spoken with the immediate neighbours.
- He felt that the layout needed improvement.
- The conditions of occupation tied the estate a small amount more, but still read like it was a retirement bungalow for retired jockeys and their widows. This did not appear to be a permanent full-time guard house. The justification was that a guard was needed, however the wording did not require the permanent person to be in the Lodge. To be a genuine guard house, it had to be a permanent guard house.
- He suggested a simple additional condition to state that the occupation should be a current employee of the estate, capable of doing the guard job and if necessary a dependent while they were doing the job. The clause just did not look like one for a guard house.

### **Member's Questions to the Ward Member**

18. The Chairman asked if Councillor James Cole had read the Highways Engineers comments in the agenda. Councillor James Cole confirmed that he had, but that he disagreed.

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### **Member's Questions to Officers**

19. Councillor Vickers asked if officers could clarify where the north lodge was. Mr Till explained that North Lodge was referring to previous applications for the proposed building. Councillor Vickers queried noted that on the map there was no building within the red line or anywhere near it. In the application in 2012 it was considered contrary to policy, but was approved. He remembered that this was called the North Lodge but he could not see it on the plan. Mr Till explained that the North Lodge was a building that had been approved, but was never built out.

### **Debate**

20. Councillor Jeff Cant opened the debate by noting that the officer's recommendation was clear and that this proposal was for the equine activity of the estate. It was drop dead obvious that the application should be approved.
21. Councillor Cant proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report.
22. Councillor Vickers disagreed as his concern was Condition 5. The only purpose for the application was to provide a security lodge. He thought that Condition 5 should be amended in the way suggested by Councillor James Cole. He was not happy that the security arrangements required there to be a security lodge, however he did not have the necessary knowledge of the racing industry to be sure. He could understand that there were various reasons someone might want to access the site to undertaken criminal activity and could therefore accept that there was a reason to have a manned presence at the main gate. However, the person providing that in daylight hours, must be the person that lived there and that was not what was stated in the condition.
23. The Chairman asked for clarification on the suggested wording. Councillor Vickers reiterated Councillor James Cole's suggestion that the Lodge should be for the occupation of a security guard and their dependents.
24. Councillor Hilary Cole supported the application. Precedence had been set as previous permissions for a North Lodge had been approved. On those occasions, Councillor Vickers and Hilary Cole had been on the Committee and had visited the site. It was a large estate and traditionally estates had lodges at both entrances, and she felt it was acceptable to have a lodge at this entrance to home and house a security function. She would not for one moment consider that it was needed for 24 hours, as it would be more to do with deliveries and people coming in and out, rather than anything else. She felt a physical presence on site was essential. She therefore seconded Councillor Cant's proposal.
25. The Chairman queried Councillor Hilary Coles' view on the suggest change to Condition 5. Councillor Hilary Cole noted that the occupancy condition was probably a generic one, so that if someone in tied accommodation died, their spouse could not be immediately removed from the property. She was quite relaxed about the wording.
26. Councillor Benneyworth did not see that there was any benefit to the applicant to have anyone other than a security guard at the site. It was entirely what the project was about. He was certain that, being a responsible employer, that the applicant would find alternative accommodation for the dependents. He was in support of the application.
27. Councillor Vickers would not support the application without the change to the condition. It was not a usual tied cottage situation. In this case, should the guard retire, they must go and live somewhere else as the house was purely there for the

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purpose of providing security. If the condition was left unchanged, the situation could arise where the security guard retired and was allowed to continue to live in the lodge and a new application was made for another building for security.

28. Councillor Cant asked the Committee to try to disentangle the potential of micro-managing the exact nature of the tenancy from what they were being asked to approve. As far as he was concerned, this was the same as any other application. The Committee should concentrate on the function that the building was provided for and should accept that the building was for security purposes. He proposed that they accept the generic condition as per the officer's recommendation.
29. Councillor Hilary Cole agreed with Councillor Cant that the application should be taken at face value, and that the applicant would be foolish not to ensure that there would be a person living in the lodge that was not doing so for security reasons.
30. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Hilary Cole 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 Documents

The development hereby permitted shall be carried out in all respects in accordance with the following plans/drawings:

- Drawing Ref. 190106-100 Location Plan dated January 2020
- Drawing Ref. 190106-102 Site Plan received on July 2020
- Drawing Ref. 190106-103 Design Scheme received on July 2020
- Drawing Ref. 190106-104 Proposed Gates + Wall received on July 2020

Reason: To ensure that the development is carried out in accordance with the submitted details and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

#### 2 Commencement

The development hereby permitted shall be begun before the expiration of two years from the date of this permission as the final approval of the reserved matters.

Reason: To accord with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004 and to enable the Local Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

#### 3 Hours of Construction

No demolition or construction works shall take place outside the following hours:

Mondays to Fridays            0730 to 1800

Saturdays                        0830 to 1300

There shall be no demolition or construction works or related activities carried out on Sundays, Bank Holidays, Public or National Holidays.

Reason: To safeguard the environment and local amenity. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

#### 4 Removal of Permitted Development Rights

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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 enlargements or extensions which would otherwise be permitted by Schedule 2, Part 1 and Part 2 of that Order shall be constructed in the curtilage of the dwelling hereby permitted, without planning permission being granted by the Local Planning Authority.

Reason: This condition is imposed to prevent the overdevelopment of the site and to protect the amenities, in the interests of respecting the character and appearance of the surrounding area and is in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **5 Use of Materials**

The materials to be used in the external finishes of the development hereby permitted shall match those on the existing development in colour, size and texture, and those materials shall remain at all times thereafter as the unaltered external finish to the development hereby permitted.

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 2019, Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026), West Berkshire Council's Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

### **6 Ancillary to the Main Dwelling**

The development hereby permitted shall not be used at any time other than for purposes incidental/ancillary to the residential use of the dwelling known as Denford House. The development shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **7 Equestrian Occupancy Restriction (Amended)**

The occupation of the dwelling hereby permitted, known as North Lodge, shall be limited to a person solely or mainly employed, (or retired through old age or ill health), within the holding known as Denford Park, or a dependant of such a person residing with that person (including the widow of such a person), on the land identified in this planning permission.

Reason: To ensure the dwelling remains available to be considered as a supporting accommodation for the equestrian business. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy C5 of the West Berkshire Housing Site Allocations Development Plan Document (2006 – 2026) Adopted May 2017.

### **8 Location of Security Cameras**

The security cameras shall be installed in accordance with the approved plans received on 03 November 2020.

Reason: To protect amenities. This condition is in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).



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### **9 Landscaping:**

Prior to the development hereby permitted, a detailed scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of trees and plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **10 External Lighting**

Prior to the development hereby permitted, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the lights allow for minimal disruption in the movement of protected nocturnal fauna through and around the site, taking into account existing and new vegetation and ecological enhancements. The external lighting shall be installed as approved.

Reason: To ensure the protection of protected species including but not limited to breeding birds which are subject to statutory protection under National Legislation. The condition is in accordance with the Wildlife and Countryside act, paragraph 175 of the National Planning Policy Framework 2019 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **11 Bees**

Prior to the development hereby permitted, details of two bee bricks to be integrated into the new structure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the structures and the specification of the structures. The approved structures shall be installed as approved and thereafter retained at all time.

Reason: To incorporate biodiversity improvements in and around the development to protect bees. The condition is in accordance with the Wildlife and Countryside act, paragraph 175 of the National Planning Policy Framework 2019 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **12 Bats**

Prior to the development hereby permitted, details of two integrated bat roosting structures or a bat loft with associated access points or equivalent to be integrated into the new structure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the structures and the specification of the structures. The approved structures shall be installed as approved and thereafter retained at all time.

Reason: To incorporate biodiversity improvements in and around the development to protect bats. The condition is in accordance with the Wildlife and Countryside act,

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paragraph 175 of the National Planning Policy Framework 2019 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **13 Birds**

Prior to the development hereby permitted, details of two bird boxes to be integrated into the new structure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the structures and the specification of the structures. The approved structures shall be installed as approved and thereafter retained at all time.

Reason: To incorporate biodiversity improvements in and around the development to protect birds. The condition is in accordance with the Wildlife and Countryside act, paragraph 175 of the National Planning Policy Framework 2019 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **14 Roofing Membrane**

Prior to the development hereby permitted, details of roofing membrane shall be submitted to and approved in writing by the Local Planning Authority. The roofing membranes must be breathable and are proven to cause a lethal entanglement hazard to bats. The approved structures shall be installed as approved and thereafter retained at all time.

Reason: To ensure the protection of protected species including but not limited to breeding birds which are subject to statutory protection under National Legislation. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) The Wildlife and Countryside act and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **15 Electric Charging Point (details to be submitted)**

No development shall take place until details of an electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16 Access Closure with reinstatement**

The existing vehicular access at the site shall be stopped up and abandoned immediately after the new access hereby approved have been brought into use. The footway/cycleway/verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

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

### **17 Cycle storage**

No development shall take place until details of the cycle parking and storage spaces have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking and storage spaces have been provided in accordance with the approved details. The cycle parking and storage spaces shall be retained for purposes of cycle parking and storage at all times.

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Reason: To ensure that there is adequate and safe cycle storage space within the site. 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).

### **18 Parking/turning in accord with plans**

The dwelling shall not be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and/or turning space shall thereafter be kept available for parking of private motor cars and light goods vehicles 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).

### **19 Sustainable Drainage**

The proposed buildings should not be occupied until details of Sustainable Drainage Systems (SuDS), such as water butts or raised planters, to be implemented within the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sustainable drainage systems have been implemented in all new developments. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS16 of the West Berkshire Core Strategy (2006-2026).

### ***Informatives***

#### **1 HI 3 Damage to footways, cycleways and verges**

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.

#### **2 HI 4 Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

#### **3 HI 8 Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

4 In determining this application the Local Planning Authority has worked positively and proactively with the applicant by: scoping of the application and assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations. Further, the Local Planning Authority has: identified all material considerations and determined the application within the timeframe agreed with the applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.

5 For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the Customer Call Centre on: 01635 519111.

## **36. Appeal Decisions relating to Western Area Planning Committee**

There were no appeal decisions presented at this meeting.

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*(The meeting commenced at 6.30 pm and closed at 8.30 pm)*

**CHAIRMAN** .....

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