

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 7 SEPTEMBER 2005 AT THE COUNCIL CHAMBER

Committee: Councillors Barbara Alexander (P), Phil Barnett (AP), Paul Bryant (*Chairman*) (P), Val Bull (AP), George Chandler (P), Kathleen French (P), James Mole (AP), Andrew Rowles (*Vice-Chairman*) (AP), Gordon Lundie (P), Anthony Stansfeld (P), Julian Swift-Hook (AP), Tony Vickers (P).

Substitutes: Roger Hunneman (SP).

Also present: Mike Butler (Principal Planning Officer), Sarah Clarke (Senior Solicitor – Legal Services), Paul Goddard (Principal Development Control Engineer), Isabel Johnson (Planning Officer), Peter Dinsmore (Policy and Research Officer.)

PART I

47. APOLOGIES.

Apologies for inability to attend the meeting were received on behalf of Councillors Andrew Rowles, Phil Barnett, Val Bull, James Mole and Julian Swift-Hook. Councillor Roger Hunneman substituted.

48. MINUTES.

The Minutes of the meeting held on 17th of August 2005 were approved as a true and correct record and signed by the Chairman.

49. DECLARATIONS OF INTEREST.

Councillor Roger Hunneman, declared an interest in Agenda Items 6 and 7, and reported that, as his interest was personal, he was permitted to take part in the debate and vote on the matter

Councillor Tony Vickers, declared an interest in Agenda Item 3, and reported that, as his interest was personal, he was permitted to take part in the debate and vote on the matter

Councillors Barbara Alexander, Paul Bryant, George Chandler, Kathleen French, Gordon Lundie, Anthony Stansfeld, Tony Vickers and Roger Hunneman declared an interest in Agenda Item 2, and reported that, as their interests were personal, they were permitted to take part in the debate and vote on the matter.

Councillors Barbara Alexander, Paul Bryant, George Chandler, Kathleen French, Gordon Lundie, Anthony Stansfeld, Tony Vickers and Roger Hunneman declared an interest in item 4 (2) by virtue of the fact that they had been lobbied on this application.

50. APPLICATION NO. 05/01318/FUL - GREENHAM CROFT, BISHOPS GREEN, NEWBURY.

The Committee considered a report (Agenda Item 4 (1)) concerning Planning Application 05/01318/FUL for a single storey building ancillary to main house for sole occupation of elderly father.

In accordance with the Council's Constitution, the Parish representative Audrey Appleby, Objectors Mr Forward and the Applicant Ms Karen Bolt-Lawrence and the Agent Mr Chris Strang addressed the Committee on the foregoing application.

Audrey Appleby in addressing the Committee raised the following points:

- The house was a substantial detached property with 5 bedrooms and where there was sufficient room for the applicant's father to live

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- If approved, the chalet could set a precedent for similar developments and harm the character of the area
- Questioned the applicant's reasoning of housing the father in a property at the bottom of an unlit garden

Mr Forward in addressing the Committee raised the following points:

- He was not representing the Parish Council as stated in the update sheet
- He had moved to the area in the knowledge that planning law would protect the character of the area; a view shared by his neighbour
- There had been previous enforcement by the Council on the applicant regarding breach of planning regulations; that a building in the garden was being used for residential purposes without permission. At appeal, the Inspector had dismissed the application and had upheld the Council's view that the building was ancillary accommodation with the use of the house and harmed the visual amenity of the area
- Planning law did not normally allow personal health considerations as a material reason when considering planning applications
- The height of the building was 4.5 metres, above the maximum 4 metres allowed for buildings that did not require planning permission
- He questioned the applicant's real intention for the application in the light of the fact that the applicants owned a nursing home
- English Nature in their letter did object to the application as they supported ENV24

Ms Karen Bolt-Lawrence and the Agent Mr Chris Strang in addressing the Committee raised the following points:

- The building was originally storage for the applicant's building business before being converted to a playroom. Planning permission was not sought at that time, as there were no services to the building
- The materials used for the building were sympathetic to the environment
- The building was screened from the surrounding area and did not harm visual amenity
- It was not intended to make the building 4.5 metres high, it should have been 4 metres
- The applicant was a nurse and would be able to look after her father
- With regards to the father living in the main house, the changing levels of the floors would be difficult for the father to deal with due to his health
- Personal circumstances can be considered as a material reason for approving planning applications
- In reference to a previous application for the building that had been refused, it was for permanent residence of the property, not temporary as stated in this application

In response to questions from the Committee, the applicant confirmed that the floor levels in the house varied in the lounge, kitchen and study. This made it difficult for her father who was suffering from a condition that resulted in the crumbling of the bones. The building was originally erected at the bottom of the garden following advice not to increase the footprint area of their house.

Before the Committee discussed the application, the Officer advised that as the applicant's house was outside the AONB, the applicant could erect a building to a maximum of 4 metres height that covers up to half their garden area without planning permission. In view of this and other factors such as the building was 0.5 metre higher, compassionate grounds regarding the father's health were considered.

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Condition two of the agenda sought to ensure that the planning permission was granted only on the condition that the applicant's father occupied the premises. Once he ceased to occupy the building, all the materials and equipment bought on to the premises for the residence of the father would be removed and the land returned to use as agreed by the planning officer. However, in response to a question from the Committee, the Officer could not guarantee that the Council would know when the applicant ceased to live at the property. The Officer advised that enforcement would be carried out if there was a breach of that planning condition. The Officer also advised of the concerns raised by English Nature regarding fencing off the applicants land to the common to protect the SSSI.

In considering the application, the Committee acknowledged the Officer's comment that the Inspector in his report, although he had been aware of the father's health, had dismissed a previous appeal for the property to be an ancillary to the house due to the fact it could be resided in by anyone. The health of the father was considered in relation to his health at the time of the Inspectors report and it was viewed that there was not any substantial change to warrant approval of the application.

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

1. The application is unacceptable since it would amount to the creation of a new dwelling in the open countryside, by reason of its separate and distinct nature from the principal dwelling of Greenham Croft , for which there is no exceptional justification , notwithstanding the applicants relatives personal health circumstances. Accordingly the application is contrary to policies DP1 and DP6 of the Berkshire Structure Plan 2001-2016, and policy ENV18 of the West Berkshire District Local Plan 1991 to 2006, which seeks to control new development in rural areas.
- 2 The application site lies within the Area of Special Landscape Importance so designated within the District Local Plan 1991 to 2006 -[policy ENV3 applies], and in close proximity to a designated SSSI-[policy ENV9 applies of the same local plan]. The creation of a new dwelling unit would accordingly be contrary to the need to protect this special landscape from unnecessary new building, and would also be potentially harmful to the adjacent SSSI

51. APPLICATION NO. 05/01483/FUL - MOUSEFIELD FARM, LONG LANE, SHAW CUM DONNINGTON, NEWBURY.

The Committee considered a report (Agenda Item 4 (2)) concerning Planning Application 05/01483/FUL for the change of use of agricultural barn to B8 (Storage and Distribution) and for a new access road onto Long Lane.

In accordance with the Council's Constitution, the objector Mr Richard Rowles and the applicant's agent Mr Fergus Hodge addressed the Committee on the foregoing application.

Mr Richard Rowles in addressing the Committee raised the following points:

- The residents in the area have asked him to voice their concerns regarding this application
- The road in which the access was sited was a dangerous narrow and twisted road where recently there had been two fatalities nearby
- The road was overloaded with traffic and would get worse due to a pending development of three hundred houses in Hermitage
- He questioned the traffic statistics in the report and viewed that it understated the traffic using the road
- If the application be approved, he would like conditions to be made that:
 - a) restrictions to the hours of traffic to the site to commence from 8am

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- b) that the gate on the access road be set back from 7 metres to 17 metres from the entrance to the access road to allow long articulated lorries to stop at the gate and not protrude onto the road
- c) that the hours for construction work on the site be reduced

In response to questions from the Committee, the objector confirmed that the fatalities were the result of head on collision between two cars travelling in opposite directions at a spot approximately 20 yards from the proposed access road. However, the Committee understood that the cause of the accident was not directly related to the nature of the road.

Mr Fergus Hodge in addressing the Committee raised the following points:

- The new access road was proposed after consultation with West Berkshire Council's Highway Officer regarding road safety. Road safety would be improved by the sightlines for traffic exiting the proposed access road onto the road
- The application was a result of the applicants need to diversify his business
- They would be happy to site the gate 10 metres further down the access road should the Committee require that
- That the Committee should not consider the development of the houses in Hermitage as a material consideration when discussing this application

In discussion of this application, the Committee recognised the road was dangerous, especially 200metres to the north where there was a bend. Regarding the possible development of houses in Hermitage, it was understood that it was not a material consideration for this application as that development has yet to be approved. The Committee considered the operating hours being restricted to 9am to 4:30pm in order to ensure that traffic to the applicant's site did not contribute to the rush hour traffic on the road outside those hours. However, the Officer advised that it would be difficult to monitor and enforce that rule; the terms were too compressed for business use. With regards to access to the site, it was considered that the improved sightlines of the new access road, especially for traffic turning right from the access road and the setting of the gate further back from the entrance by 10 metres was conducive to road safety. The Committee were also made aware of the change to condition 6 regarding the access road.

RESOLVED that the Head of Planning and Transport Strategy be authorised to grant permission subject to the following conditions:-

1. The development shall be started within five years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies DP1 and DP6 of the Berkshire Structure Plan 2001 - 2016 and OVS2 of the West Berkshire District Local Plan 1991 - 2006 should it not be started within a reasonable time.

2. This permission shall be alternative to the planning permission for a new access granted under on 14.06.2004 under reference 04/0598/FUL and shall not be exercised in addition thereto or in combination therewith.

Reason: To prevent the construction of two separate accesses to protect the amenity of the nearby properties and in the interests of road safety in line with Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006.

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3. The use authorised and any vehicle movements associated with the use is to be restricted to the hours of 7:00 AM to 6:00 PM on weekdays, and there shall be no operation of the premises on weekends and Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with DP1 of the Berkshire Structure Plan 2001 to 2016, and Policies OVS2 and ENV30 of the West Berkshire District Local Plan 1991 to 2006.

4. Any gates provided shall open away from the highway and be set back a distance of at least 17 metres from the edge of the adjoining highway.

Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interest of road safety in accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

5. The existing access shall be stopped up to vehicular and pedestrian use and restored to agricultural use immediately after the new access has been brought into use. The verge and hedgerow shall be reinstated to the satisfaction of the Local Planning Authority and in compliance with the requirements of the Highway Authority for works carried out within the public highway.

Reason: In the interest of road safety and highway maintenance in accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

6. The scheme hereby permitted shall not be taken into use until the access as approved is constructed in accordance with the approved plans, to include the surfacing of a bonded material across its entire width for a distance back from the carriageway edge of no less than 7m. It shall thereafter be maintained in perpetuity.

Reason: To avoid migration of loose material onto the highway in the interest of road safety, in accordance with Policy OVS 2 of the West Berkshire District Local Plan 1991-2006.

52. APPLICATION NO. 05/01500/FUL - TRANSMITTING STATION, OLD HAYWARD, NEWTOWN HUNGERFORD.

(Councillor Tony Vickers declared an interest in this item by virtue of the fact that he had shares in a competing company. Councillor Vickers was therefore permitted to take part in the debate and vote on the item.)

The Committee considered a report (Agenda Item 4 (3)) concerning Planning Application 05/01500/FUL for the addition of three sector antennas, four 0.6m diameter communication dishes on the existing mast and a ground based equipment housing and ancillary development thereto.

In accordance with the Council's Constitution objectors Dr Blackwell and the applicant's agent Mr Phil James, addressed the Committee on the foregoing application.

Dr Blackwell in addressing the Committee raised the following points:

- Advised the Committee that four dishes were to be placed on the mast, not three as in the agenda and that they were not small but measured 0.6 metres in diameter.
- Representing the concerns of the community at Old Haywards
- Had working background in mobile communications and knowledge of the industry
- Referred to PPG8 stating that the Planning Officers, although having quoted paragraph 30 of PPG8, did not refer to paragraph 29 of the guidance. This section centred on health concerns, the

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weight Local Authority can apply to these concerns and the need for applicants to demonstrate that there were no other alternative sites; there had been no consideration by the applicant regarding these points

- That the application would have an adverse impact on the visual amenity

In response to questions from the Committee, the objector advised that the masts were situated 500metres from his home .

Mr Phil James in addressing the Committee raised the following points:

- The application was to improve coverage of their network
- Recognised that the area was an AONB but they had no choice but to site the equipment in the AONB
- The application was to share the use of an existing mast
- He understood residents concern for health and visual intrusion. They had considered the health grounds and met government guidelines regarding this and relating to visual amenity. The new equipment would be placed below the existing equipment to minimise visual impact
- The application met the balance of customer need and the needs of the environment

In response to questions from the Committee, the applicant's agent advised that although there would be an improvement to mobile reception on the nearby M4 for their customers, the main focus of the application was to improve the reception in the Old Haywards area. Also, that paragraph 29 of PPG8 was only relevant to new sites for masts, not as with this application which was additions to a current mast.

Prior to the discussion of this application by the Committee, the Officer clarified PPG8 especially relating to Paragraph 29. The Committee considered the option of siting a mast alongside the current mast and the visual impact of the application to the surrounding area.

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

1. The development shall be started within five years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with drawing title number(s) 21999_00_004_02, 21999_07_100_M08_08 and 21999_07_150_M08_08 received on 1st July 2005, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy DP5 of the Berkshire Structure Plan 2001-2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

Informative

The applicant must ensure that all aspects of the Transmitters comply with the relevant standards with respect to emissions.

The applicant's attention is drawn to the fact that the equipment should be removed from the site when it is no longer required.

53. APPLICATION NO. 05/01611/FUL - NEW FARM COTTAGES, COOMBE ROAD, COMPTON.

The Committee considered a report (Agenda Item 4 (4)) concerning Planning Application 05/01611/FUL for the demolition of single storey building and outbuilding and for a two storey extension to form kitchen/dining area with bedroom and bathroom above, and for the erection of a double garage. The Officer drew the Committee's attention to the third reason in the update report for the refusal of this application during the introduction of the report.

In accordance with the Council's Constitution, the applicant's agent Mr Arthur Hedges addressed the Committee on the foregoing application.

Mr Hedges in addressing the Committee raised the following points:

- The applicants had reduced the height of the proposed garage and altered the roofline first floor fenestration
- The materials were to be plain tiles and red brick
- The garage was five metres from the house and therefore should not be included in the volume calculations when determining the percentage increase of the proposals over the original dwelling
- There had been no objections from the Parish Council or neighbours

In response to questions from the Committee, the applicant's agent advised that their calculation of the percentage increase of the proposed building was 69% and that calculation omitted the garage area.

In discussion of this application, the Committee considered that this application did not address the concerns that were raised with the previous application. Although there was no issue with the applicant bringing two cottages together as one, concern was expressed that the extension would erode the choice for first time buyers to purchase smaller properties in the area.

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

1. The proposed extension is in a prominent position within the application site. The proposed extension and garage due to its design, bulk and use of materials, fails to harmonise with the scale and character of the existing dwelling. The extension will appear as an intrusive feature to the detriment of the character and amenities of the area. As a result the application is contrary to the guidance contained in Planning Policy Statement 1 - which seeks to ensure good design.

Furthermore the scheme is contrary to Policies DP1 and DP6 of the Berkshire Structure Plan 2001 - 2016 which seek to ensure that development proposals do not give rise to an unacceptable impact on the environment, including serious harm to the character or appearance of an area and that they are appropriate in scale, form character and siting to their location. It is also contrary to Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 which seeks to ensure that development proposals achieve a high standard of design which respects the character and appearance of the area. Additionally, Policy ENV24 of the West Berkshire District Local Plan 1991 - 2006 seeks to ensure, inter alia, that extensions to dwellings are in keeping with the design of the existing dwelling.

2. New Farm Cottage(s) is now a detached house which is outside a defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty. The original two cottages present a well balanced structure, with symmetrical features and design. The erection of a large two storey extension and complicated roof design on one side is considered detrimental to its character, resulting in a visually unbalanced dwelling. The proposal, if allowed would result in an extended dwelling and garage disproportionate in size to the original dwelling.

The proposal is consequently contrary to Policy ENV.24 of the West Berkshire District Local Plan 1991- 2006, which seeks to ensure that all proposals for extensions to dwellings in the countryside should not be materially greater or more harmful to the rural character of the area than that of the existing building or result in an extended dwelling disproportionate in size to the original. The proposal is also contrary to the Supplementary Planning Guidance on extensions to dwellings in the countryside which seeks to prevent overdevelopment of a site and a material increase in visual intrusion in the countryside.

54. APPLICATION NO. 05/01457/FULMAJ - LAND AT BANKSIDE HOUSE, NEWBURY

(Councillor Roger Hunneman declared an interest in this item by virtue of the fact that he was a Member of Newbury Town Council but had not been involved with this application. Councillor Hunneman was therefore permitted to take part in the debate and vote on the item.)

Prior to the Officer introducing the report, the Officer advised the Committee that the applicant had a right to present previously refused applications before the Committee a second time. There was provision within the 2004 Planning and Compulsory Purchase Act to prevent twin tracking of applications if a similar application elsewhere had been dismissed; in this case, that was not the case. The Committee expressed their concern that the application having been refused by the Committee in March and was now set before them again with no amendments from that last application. This led to the concern that they may have had already pre-determined the application. The Legal Services Officer advised the Committee that they had to decide if they could consider this application with a fresh mind and treat it as a separate application in its entirety. This applied to the fact that the original application in March was going to appeal that was yet to be heard. The Legal Services Officer advised that there were four options that the Committee could take. These were; a) to consider the application and vote on whether to approve or reject the officer's recommendation, b) to delegate the application back to the Officer, c) allow the application to come before Full Council for consideration and vote or, d) to defer consideration of the application pending the outcome of the appeal. However, should option c) and d) be chosen, the Committee were reminded that would bring the application outside the 13 week window for planning applications to be completed.

The Committee agreed to consider the application a second time in order to consider any fresh evidence for this application.

The Committee considered a report (Agenda Item 4 (5)) concerning Planning Application 05/01457/FULMAJ for the demolition of existing building and construction of 13 flats and one retail unit on ground floor.

In accordance with the Council's Constitution, objectors Mr Jeremy Holden-Bell and Mr David Peacock, and the applicant's agent Mr Nik Lyzba addressed the Committee on the foregoing application.

Mr Jeremy Holden-Bell in addressing the Committee raised the following points:

- He represented the Newbury Society
- He objected to the modern character of the proposed development in an area that had changed little since the 1900's; balcony flats belonged to another age that were not in keeping with that area
- Bankside House was in an conservation area
- Reminded the Committee that ENV33 sought to protect the visual amenity of the conservation area, grounds that the application had been refused on before
- The canal side of Bankside House served as a gateway to Newbury and should be preserved
- It's importance had been recognised in the Newbury Vision, chapter 2 section 11

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- The proposed flats were higher than the current building and would dominate the area
- The design would not enhance the semi-industrial nature of the canal area

Mr David Peacock in addressing the Committee raised the following points:

- Spoke of the history of the site dating back to the mid 19 Century
- Agreed with Mr Holden-Bell regarding the impact of the flats to the character of the area in design, and massing

Mr Nik Lyzba in addressing the Committee raised the following points:

- The application was before the Committee a second time for three reasons:
 - i) They were mindful of Government guidance that if possible, to resolve planning applications rather than to go to appeal
 - ii) The application had been accepted by the Planning Officers and in the light of this, the application should succeed at appeal and therefore, this was an opportunity for the Committee to save the Council the costs of the appeal
 - iii) That this could be reconsidered with a view for amendments to the application by Officers
- There were no objections from the Council regarding the demolition of the current building; the applicant viewed that the loss of the unlisted building would have a neutral impact as it was not of valued appearance
- The grounds for refusal were on the grounds of design and parking.
 - a) With regards to design, the company had won an award for its design of developments in a conservation area of Oxford. This application sought to satisfy PPG15 that stated it was possible to include modern design in historic settings. The proposed development was designed taking into account the character of West Mills and by contributing to the scale and massing in the build up to Newbury Bridge
 - b) With regards to parking, it was noted that no parking spaces were proposed for the site

In response to the Committees observation that the parking needs of people working there were different to residential needs, the Mr Lyzba advised that the Newbury Vision 2025 stated that 20% of Newbury residents did not own cars. Therefore, it was possible that non-car owners could buy the flats and thereby negate the need for the number of parking spaces. He also advised that as in Oxford, agreement could be made to exclude residents of the flats from obtaining residential car parking permits for themselves and their visitors. With reference to the question from the Committee regarding the design of the flats, Mr Lyzba advised that the materials would be of red brick with timber eaves, a staircase tower, rendered sections and brick elevation to canal side with metal balconies to reflect the semi-industrial character of the canal. The design of the flats did not intend to mimic the existing building and would not be taller than the adjoining buildings. The overall emphasis of the design was to show a 21 Century variation of building with a style, massing and proportion that combined with other styles that currently characterised the area. Mr Lyzba, in response to the question if sprinklers were to be fitted, advised that he was unaware if sprinklers were to be fitted or not, but the building would conform to fire regulations.

In discussion of this application, the Committee considered and discussed at length the comments in the Officer's report under 'Policy and Principle' and the 'Design issues.' The Committee considered the main objections raised by Mr Holden-Bell and Mr Peacock that were raised regarding massing and appearance of the flats in a sensitive conservation area. In addition, parking provision remained an area of concern.

RESOLVED that the Head of Planning and Transport Strategy be authorised to refuse planning permission for the following reason:

1. The application is considered unacceptable given its poor design and use of materials, which will have a severe detrimental impact upon the local street scheme, the setting of adjacent listed buildings, and the heart of Newbury Town Conservation area, given its location, massing and scale, within a prominent and sensitive location adjacent the Kennet and Avon Canal, and close to the church of St Nicholas to the south. It is also considered that the scheme compromises an overdevelopment of the site given its mass and scale. The application is thus contrary to policy ENV33 in the WBDLP 1991 to 2006, and policy EN4 of the BSP 2001 to 2016 as adopted.
2. The application is unacceptable since it fails to make any on site provision for resident's car parking (albeit the site is in a central location.) This will have a detrimental impact upon the amenities of surrounding residents by reason of increased congestion for on street parking. The application is thus considered contrary to policy OVS2 of the WBDLP 1991 to 2006.
3. Notwithstanding the Council's decision to refuse the application, the applicant has failed to enter into the required s106 planning obligation. This seeks the following; a contribution of £13,600 towards off site highway works, £13,075 towards local education provision, £10,000 towards local CCTV provision, and a sum of £19,169 towards local public open space enhancements, plus £2,145 towards healthcare and £2,210 towards library provision. Accordingly in the light of the provisions of Circular 5/2005, policy DP4 of the BSP 2001 to 2016, and policies OVS3, TRANS2, RL1 and OVS11, of the WBDLP 1991 – 2006, the scheme will have a detrimental impact upon the provision of local facilities and service/infrastructure within the locality and hence is unacceptable.

55. APPLICATION NO. 05/01458/CON - LAND AT BANKSIDE HOUSE, NEWBURY

(Councillor Roger Hunneman declared an interest in this item by virtue of the fact that he was a Member of Newbury Town Council but had not been involved with this application. Councillor Hunneman was therefore permitted to take part in the debate and vote on the item.)

The Committee considered a report (Agenda Item 4 (6)) concerning Planning Application 05/01458/CON for the demolition of existing building.

In accordance with the Council's Constitution, the applicant's agent Mr Nik Lyzba addressed the Committee on the foregoing application.

Mr Lyzba in addressing the Committee raised the following points:

- That they had common ground with West Berkshire Council regarding the demolition of Bankside House in that prior to demolition, a new building has to be approved to take its place.

RESOLVED that the Head of Planning and Transport Strategy be authorised to refuse planning permission for the following reason:

Bankside House is an attractive building within a predominant location in the heart of the town's conservation area. Its loss in the conservation area, in the absence of any permitted scheme to redevelop the site, will leave to an ugly and unattractive gap in the street scene which will be of detriment to that conservation area. Accordingly the application is considered contrary to policy EN4 in the BSP 2001 to 2016 as adopted, and Policy ENV33 of the WBDLP 1991 to 2006 as adopted. It is also contrary to the provisions of PPG15 – Planning and Historic Environment.

56. APPLICATION NO. 05/01599/FUL - LAND TO SIDE OF FORMER CAR PARK, NEWBURY HOSPITAL SITE, NEWBURY.

The Committee considered a report (Agenda Item 4 (7)) concerning Planning Application 05/01599/FUL for the change of use of public open space to private amenity space.

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In discussion of this application, the Committee considered the loss of public space and the request for the demolition of the toilet block from the decision date to be extended from 3 to 12 months in condition 3. The Officer explained that this was due to the delay that may occur as the developers had to obtain permission from GOSE prior to demolishing the block. However, the Committee considered the toilet block was an eyesore and did not wish the demolition of the block to be delayed. Therefore consideration was given to reduce the period from twelve months to six months.

RESOLVED that the Head of Planning and Transport Strategy be authorised to grant conditional permission subject to the following conditions:-

1 The development shall be started within five years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 should it not be started within a reasonable time.

2 The development shall be landscaped in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority before development commences and shall ensure:-

(a) the carrying out of any earth moving operations concurrently with the carrying out of the building and other works;

(b) completion of the scheme during the planting season next following the completion of the building(s), or such other date as may be agreed in writing by the Local Planning Authority;

(c) the maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Local Planning Authority, are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991 to 2006.

3 Within 6 months of the decision to approve this application the toilet block on the site shall be demolished in full and the land landscaped in accordance with the approved scheme noted under 04/01302/resmaj.

Reason: to enhance local visual amenity in accord with Policies ENV30 and OVS 2 of the West Berkshire District Local Plan 1991 to 2006.

57. APPLICATION NO. 05/01372/HOUSE - HYDE FARM COTTAGE, SHEEPDROVE, LAMBOURN, HUNGERFORD.

The Committee considered a report (Agenda Item 4 (8)) concerning Planning Application 05/01372/HOUSE for a two storey extension.

In accordance with the Council's Constitution, the applicant Mr Gibson addressed the Committee on the foregoing application.

Mr Gibson in addressing the Committee raised the following points:

- The applications for a two storey and one storey extension shared the same footprint

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- The design of the proposed extension was in keeping with the character of the existing building and would use the same quality building materials
- Not all the previous extensions to the house had been undertaken by them, for example they were not living there when the extensions to the house were carried out in 1976
- There were no objections from the planning officers to the design but the objection was the disproportionate development to the original building as per the local plan preventing urban development in the countryside
- The proposed extensions would not be a visual intrusion to the countryside as it was situated at the back of the property in a large garden
- The application was primarily to increase the size of the present galley kitchen; the two storey application was to provide better value but he would be happy if the Committee were to approve the single storey extension
- If the Committee were minded to refuse the application, his view would be that the Committee had made a narrow interpretation of ENV.24
- By his calculation, the extension in the case of the two storey application would add 35% over the original building and in the case of the single storey extension add, 10% of development over the current building. He viewed that it was poor practice to use the floor and foot print of the original building to calculate the percentage of development
- The extensions would not adversely change the character of the property
- There had been no objections from the Parish Councils or from neighbours

In response to questions from the Committee, the applicant advised that he disagreed with the planning officer's calculations of the original building because due to the many extensions that had been made to the original building, it was difficult to ascertain which parts were original and which were not. The Planning Officer advised that the calculations were based on measurements taken from an earlier planning application for the property.

In discussion of this application, the Committee noted that there had been a previous application for a smaller extension to the kitchen and although it had been approved, the works were not carried out. It was recognised that the house was in a large plot of land and that past extensions to the house had kept the character of the original building and was appropriate to the surrounding countryside. The quality of the current applications was shown by the fact that it did not warrant objection from the Parish Council which strictly monitored planning applications to ensure that there was no overdevelopment of existing buildings within the Parish. However, the importance and prominence of Policy in cases such as this application was discussed by the Committee.

RESOLVED that the Head of Planning and Transport Strategy be authorised to refuse planning permission for the following reason:

1. Hyde Farm Cottage is a large detached house which is outside a defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty. The original house has been significantly extended within the last 30 years and the proposal, if allowed would result in an extended dwelling disproportionate in size to the original dwelling. The proposal is consequently contrary to Policy ENV.24 of the West Berkshire District Local Plan 1991- 2006, which seeks to ensure that all proposals for extensions to dwellings in the countryside should not be materially greater or more harmful to the rural character of the area than that of the existing building or result in an extended dwelling disproportionate in size to the original. The proposal is also contrary to the Supplementary Planning Guidance on extensions to dwellings in the countryside which seeks to prevent overdevelopment of a site and a material increase in visual intrusion in the countryside.

58. APPLICATION NO. 05/01373/HOUSE - HYDE FARM COTTAGE, SHEEPDROVE, LAMBOURN, HUNGERFORD.

The Committee considered a report (Agenda Item 4 (9)) concerning Planning Application 05/01373/HOUSE for a single storey extension.

The Officer in introducing the report advised the Committee that at appeal on a similar application in the district, the Planning Inspector had ruled in favour of the Local Plan regarding overdevelopment. In that instance, the proportionate element was 178% where as this application was over 200%.

In accordance with the Council's Constitution, the applicant Mr Gibson was asked if he wished to address the Committee on the foregoing application. Mr Gibson declined explaining that the salient points he had made in the previous application for the two storey extension applied to this application and requested that the Committee consider these points when considering this application.

In discussion of this application, the Committee considered the size of the current kitchen in relation to the size of the property and that the extension if approved, would add to the character of the house. However, consideration was given to the essence whether increasing the size of the kitchen justified overturning established planning policy.

RESOLVED that the Head of Planning and Transport Strategy be authorised to refuse planning permission for the following reason:

1. Hyde Farm Cottage is a large detached house which is outside a defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty. The original house has been significantly extended within the last 30 years and the proposal, if allowed would result in an extended dwelling disproportionate in size to the original dwelling. The proposal is consequently contrary to Policy ENV.24 of the West Berkshire District Local Plan 1991- 2006, which seeks to ensure that all proposals for extensions to dwellings in the countryside should not be materially greater or more harmful to the rural character of the area than that of the existing building or result in an extended dwelling disproportionate in size to the original. The proposal is also contrary to the Supplementary Planning Guidance on extensions to dwellings in the countryside which seeks to prevent overdevelopment of a site and a material increase in visual intrusion in the countryside.

59. APPEAL DECISIONS.

The Highways Officer advised the Committee that the planning applications for Bankside and 69 Bath Road, Thatcham were sent to the Planning Inspector to seek clarification on the issue of determining parking arrangements at these sites.

(The meeting commenced at 6.30pm and closed at 10pm)

CHAIRMAN

Date of Signature: