

# WESTERN AREA PLANNING COMMITTEE

## MINUTES OF THE MEETING HELD ON WEDNESDAY, 9 APRIL 2014

**Councillors Present:** David Allen, Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hewer, Roger Hunneman, Andrew Rowles (Substitute) (In place of Virginia von Celsing), Garth Simpson, Anthony Stansfeld, Julian Swift-Hook and Ieuan Tuck

**Also Present:** Derek Carnegie (Development Control), Sarah Clarke (Solicitor), Paul Goddard (Highways Development Control), Isabel Johnson (Senior Planning Officer), Jenny Legge (Principal Policy Officer) and Fred Quartermain (Trainee solicitor)

**Apologies for inability to attend the meeting:** Councillor Virginia von Celsing

### PART I

#### 50. Minutes

The Minutes of the meeting held on 19 March 2014 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

**Item 47 (2), page 7, point 6.** It was noted by the Chairman that 'there was not requirement' should read 'there was no requirement'.

**Item 47 (3), page 17, first point:** Councillor Julian Swift-Hook requested that 'perhaps' should be removed from his statement 'perhaps by following the example of the Parkway development'.

**Item 47 (3), page 17, the resolution:** Councillor Swift-Hook felt that the Committee had made a clear decision that Officers should investigate the possibility of Council funding and asked that 'including investigating funding' should be added to the resolution.

#### 51. Declarations of Interest

Councillors David Allen, Jeff Beck, Ieuan Tuck and Julian Swift-Hook declared an interest in Agenda Item 4(3), but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Hilary Cole declared an interest in Agenda Item 4 (2), but reported that, as her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Jeff Beck and Garth Simpson reported that they had been lobbied on Agenda Item 4(1)

#### 52. Schedule of Planning Applications

**52(1) Application No. and Parish: 13/03164/OUTD - Meadow Rear Of Cottages 1 and 2 The Lamb Inn, Charnham Street, Hungerford.**

*(Councillors Jeff Beck and Garth Simpson reported that they had been lobbied on Agenda Item 4(1))*

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/03164/OUTD in respect of outline application for construction of two new dwellings and garages. Matters to be considered: Access.

In accordance with the Council's Constitution, Mr Roger Thompson, Parish Council representative, Mr Chris Scorey - Town and Manor of Hungerford, objector, and Mr Chris Strang, agent, addressed the Committee on this application.

Isabel Johnson introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was considered unacceptable and Officers recommended it be refused.

Councillor Paul Hewer informed the Committee that the site backed onto the River Dunn and not the Kennet and Avon Canal as stated in the report.

Councillor Anthony Stansfeld queried why the Environment Agency had not commented on the question of flooding. Isabel Johnson confirmed that all the usual agencies had been informed and it was not compulsory for them to give a response. Councillor Stansfeld commented that inefficiency did not mean they did not have a view.

Mr Roger Thompson in addressing the Committee raised the following points:

- Hungerford Town Council did not support this application.
- The Town Plan was clear regarding the need to protect the Town Boundary and he urged the Committee to uphold the findings of the Officer.
- It was recognised that the site was included in the SHLAA (Strategic Housing Land Availability Assessment) for potential development. It was therefore considered premature to put forward an application when the boundary was being reconsidered.
- The Town and Manor of Hungerford opposed the application as the charity defended the boundary of the town and due to the sites proximity to the river; a Site of Special Scientific Interest.
- James Podger's view as a near neighbour had some merit as the design was a tasteful extension of the development within the boundary. The Town Council suggested that the application be resubmitted once the new boundary had been agreed.

Mr Chris Scorey in addressing the Committee raised the following points:

- Mr Scorey was a neighbouring land holder and objected to the development on the grounds of the need to conserve the riverside meadow.
- There was concern about flooding in the area as his land had flooded in the recent deluge. The River Dunn was managed to allow a flood plain upstream.
- He concurred with Roger Thompson's concern regarding the SHLAA and felt the application was premature and would prejudice the plan.
- It was feared that, if granted, the application would create precedence for developments over the settlement boundary.

Councillor Jeff Beck asked for clarification on flooding in the area. Mr Scorey explained that the Environment Agency had issued warnings, however he was uncertain if the site had been submerged during the recent flooding.

Mr Chris Strang in addressing the Committee raised the following points:

- There were examples in other parts of the district of developments just outside settlement boundaries being granted. This was therefore not significant enough an issue base a refusal on.

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

- The site was sustainable and on a brownfield site. The site was well contained on all sides and hidden from public view. There was no tow-path on the River Dunn and the site had been excluded from the Conservation Area in this part of town. Natural England had offered no objection and it was not a wildlife site. No trees would need to be removed and it was not on a flood plain.
- This was an outline plan only and if granted a more detailed plan would be submitted.
- It was up to Members to decide if any harm would result from the development.

Councillor Hilary Cole asked if the land was associated with the former Lamb Inn. The agent replied that he did not know.

Councillor Paul Hewer inquired if the SHLAA had been considered. Mr Strang explained that there was nothing to stop anyone making a planning application if they wished whether the land was in the SHLAA or not. The application should be considered on its own merits.

Speaking as Ward Member, Councillor James Podger raised the following points:

- He supported the application as it helped to fill the housing requirement in Hungerford and considered it to be a perfect location.
- The site was not visible from the road and utilised wasted space, which used to be the back garden of the Lamb Inn.
- The developer had lived in Hungerford for many years.
- The site was outside the flood plain and did not flood recently. It was outside the Conservation Area and the settlement boundary, however there was development on either side of the plot. The land around the site was owned by the Town and Manor of Hungerford. There was no issue with traffic.
- It was a common sense use of the land.
- Drainage had been put in for the cottages and such a low number of additional houses would have little impact on waste collection.

Speaking as Ward Member, Councillor Paul Hewer raised the following points:

- He felt that this was a balanced decision. Whilst he could see the benefits of the application he acknowledged that it was contrary to policy, although in his view it was only a small deviation from the policy.

The Chairman reminded the Committee of a similar application in Wickham which was refused on policy grounds. He acknowledged that there were anomalies in the boundary which would be addressed shortly.

Councillor Hilary Cole stated that she was keen on adhering to policy, however there could be exceptions. It was unfortunate that this application had come forward prior to the SHLAA being concluded as it was a good, small site.

Councillor Garth Simpson noted that the guidance was that development should taper out towards the settlement boundary with smaller buildings. The Chairman commented that this was an application on the principle of building on the site and a detailed application would follow if it were to be granted.

Councillor David Allen asked Officers to clarify what a special area of conservation was. Isabel Johnson said it was not part of her expertise. She explained that the opposition to the application was not purely due to it being outside the settlement boundary but more on grounds of ecology, pollution and flooding.

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

After considering the Committees deliberations, Councillor Allen proposed to accept Officer Recommendation to refuse permission. This was seconded by Councillor Simpson.

The Chairman invited the Committee to vote. The proposal was carried.

Councillors Hewer and Cole asked for their abstentions from voting to be recorded in the minutes.

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

### **Reasons for Refusal:**

#### **1. Impact on NWDAONB**

The proposed dwellings and residential use of the application site is considered to harm the intrinsic rural character and appearance of the area and is not considered to conserve the landscape or scenic beauty of the AONB as required in paragraph 15 of the NPPF. The illustrative plans indicate standard two storey dwellings which have the potential to introduce dominant forms in an area of small scale development. Elements such as bin stores, garages and any garden paraphernalia would further urbanise the existing rural appearance of the site. Moreover the layout of the proposed dwellings with an additional gravel drive is considered to introduce a new development out of character with the area.

As such the proposal is considered to harm the character of the area contrary to the NPPF as well as Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.

#### **2. Impact on character of the Conservation Area**

The introduction of urban form in this natural riverside meadow would seriously harm the setting of the Conservation Area, thus failing to preserve an important element of the setting of the conservation area contrary to the NPPF and Policy CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, which require new developments to respect the character of the surrounding area. Additionally, the application would be contrary to Policy CS18 of the Core Strategy which seeks to protect and enhance the district's green infrastructure.

#### **3. Contrary to Policy**

The application site lies outside of the settlement boundary, as defined within Policy HSG.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. As such the application site is considered to be located in an unsustainable location contrary to the Government's guidance within the National Planning Policy Framework. Furthermore, the principle of new development outside any settlement boundary is unacceptable.

As such the proposal conflicts with guidance contained within the National Planning Policy Framework 2012, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.

#### **4. Developer Contributions**

The application fails to secure an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure,

## WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES

services or amenities, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework 2012, Policy CS5 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Council's adopted Supplementary Planning Document: Delivering Investment from Sustainable Development.

### **52(2) Application No. and Parish: 13/03234/FUL - Carbrook, Curridge Road, Curridge**

*(Councillor Hilary Cole declared a personal interest in Agenda item 4(2) by virtue of the fact that she was a Member of Chieveley Parish Council and had been present when the application was discussed by them, but would consider the application afresh. As her interest was personal and not a prejudicial or a disclosable pecuniary interest she determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 13/03234/FUL in respect of the creation of a new secondary access to serve an outbuilding.

In accordance with the Council's Constitution, Mr Rob Crispin, Parish Council representative, and Mr Chris Strang, agent, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was considered acceptable and a conditional approval was justifiable.

Rob Crispin in addressing the Committee raised the following points:

- Retrospective applications were a cause for concern. It was felt there was no need for a new access.
- The proposed access was on the apex of the road, which although not a challenge for vehicles leaving the site, was dangerous for traffic progressing westbound.
- Flooding was an issue on the access road.
- The inferior turning capability of farm vehicles should be taken into consideration.
- There was no guarantee that vehicles approaching the access would be travelling at low speeds.

Councillor Jeff Beck asked Mr Crispin to elaborate on the existing building and a potential access gate to the south of the building. Mr Crispin pointed out that there was an existing field gate to the north east of the site and an entrance to the green that could be connected by a path.

Mr Strang in addressing the Committee raised the following points:

- The level of use of the proposed access would be too low to substantiate an objection.
- Visibility was 43m in both directions, which was adequate for vehicles travelling at low speeds.
- The current flooding on the road was the Council's responsibility and was not a reason for refusal. The applicant had previously offered to site a soak away on his land if the Council were to provide the pipes, but had received no response.

Councillor Cole queried the need for a new access. Mr Strang explained that ascertaining need was not a material planning consideration, but rather, whether it was safe.

## WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES

Councillor Roger Hunneman sought clarification regarding the application which had not yet been implemented. Mr Strang noted that the permission was for a classic car garage and was remote from the proposed access.

Councillor George Chandler asked for confirmation that the permission had been for a garage with a home office above. Derek Carnegie confirmed that a Condition applied that it could not be used for residential purposes or by a separate business.

Speaking as Ward Member, Councillor Cole raised the following points:

- There was concern from residents regarding the safety of the access and that it was a retrospective application.
- The positioning of the access on a bend was not particularly safe, particularly if a slow tractor and a fast car were to meet.
- She felt strongly that the hedgerow had been destroyed and trees felled.

Councillor Cole proposed to reject Officers' recommendation to grant planning permission for reasons of:

- Highway safety.
- Impact on the hedgerow / rural scene

This was seconded by Councillor Hunneman.

The Chairman asked if the Committee could insist on the reinstatement of the hedgerow. Derek Carnegie explained that the boundary treatment was under the applicant's control.

Councillor Jeff Beck questioned the Highways Officer as to the line of sight for vehicles approaching the bend and the safety of its positioning. Paul Goddard replied that a sightline of 31m was suitable for vehicles travelling at 24mph. It was up to the Committee as to whether they felt vehicles would be travelling at this speed in this location. Councillor Garth Simpson noted that he drove on that road regularly and approached it slowly as he considered it to be a dangerous bend.

Councillor Chandler commented that he would be more in favour of this application than a hard path cutting across the field. He considered that nice entrance and high hedges would add to the countryside and had no problem with the application being retrospective. Councillor Paul Hower concurred with this view.

The Chairman invited the Committee to vote on the proposal of Councillor Cole, seconded by Councillor Hunneman, to reject Officers' recommendation to grant planning permission. This proposal was not supported on the basis of the Chairman's casting vote. Members were then invited to vote on the proposal of Councillor Andrew Rowles, seconded by Councillor Ieuan Tuck to accept Officers' recommendation to grant planning permission. This was carried on the basis of the Chairman's casting vote.

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

### **Schedule of Conditions**

#### **Time limit**

1. The development shall be started within three 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 CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

### **Approved plans**

2. The development hereby approved shall be carried out in accordance with drawings (title/ numbers) Location Plan 1204:01A, Block Plan 1204:20 B and Elevations 1204:21 As received with the application validated on 16th December 2013 and amended by plans contained in the e-mail dated 5th February 2014 from the agent.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

### **Landscaping scheme**

3. No development or other operations shall commence on site until a detailed scheme of landscaping for the site (boundary hedging outside of sight lines) is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of 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 objectives of Policies CS 14 and CS 18 of the West Berkshire Core Strategy 2006-2026.

### **Visibility splays**

4. The access shall not be brought into use until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **Set back of gates**

5. Any gates to be provided at the new access (as shown on the approved plan) where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 6 metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **SuDS**

6. Within 2 months of the date of this decision there shall be submitted to the local planning authority for its written approval a scheme of surface water drainage incorporating sustainable drainage principles, to deal with the disposal of rainwater from the development. The scheme of surface water drainage shall be implemented in accordance with the approved details within 2 months of it being approved in writing by the local planning authority. The approved method of surface water

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

disposal shall be retained thereafter. This shall include the provision of permeable paving at the access and the control of raising of any ground levels/verge levels at the site.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

### **Informatives**

Standard informatives including those relating to access construction, damage to the carriageway, footways, cycleways and verges.

### **52(3) Application No. and Parish: 14/00101/FULD - Land At Wallis Gardens, Adjoining West Berks Bowls Club, Pyle Hill, Newbury**

*(Councillor David Allen, Jeff Beck and Ieuan Tuck declared a personal interest in Agenda item 4(3) by virtue of the fact that they were Members of Newbury Town Council and in Councillor Allen's case, the Planning and Highways Committee. Councillors Beck and Allen had been present when the application was discussed, but would consider the application afresh, however, Councillor Tuck had not been present at the debate. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in Agenda item 4(3) by virtue of the fact that he was a member of Greenham Parish Council and Newbury Town Council who had previously considered the application, but reported that he would view the application afresh on its own merit. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information on the application before him. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 14/00101/FULD in respect of the erection of 3 two storey three bedroomed houses with attached garages.

In accordance with the Council's Constitution, Ms Debbie Kelly, Mr Terry South, Ms Hannah Cooper and Mr Andy Gove, objector, and Mr Brian Mursell, agent, addressed the Committee on this application.

Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable.

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

- Newbury Town Council was concerned about the blind corner and unhappy with the position of the proposed site on a narrow road.
- They noted the residents concern regarding access for waste collection vehicles; suggesting that restrictions on parking at certain times to enable access should be put in place.
- The Willows School playing field would be overlooked as would the existing property on the opposite corner to the proposed site.



## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

- The Members were concerned that construction and delivery vehicles would obstruct access for existing residents.
- He recognised that new houses were welcome, but not necessarily if the gap between Newbury and Greenham were to be diminished.

Councillor Hilary Cole asked if the restrictions on parking Newbury Town Council envisaged, would include existing residents. Mr Barnett remarked that the garages offered should be used for vehicles not storage. He asked that the construction traffic access be restricted to appropriate times to prevent impact on existing residents. Councillor Cole inquired if current residents used their garages for their vehicles. Mr Barnett concluded that the Committee could only advise and encourage such use.

Councillor Cole sought clarification as to the concerns regarding the Willows School being overlooked. Mr Barnett commented that the school had clear views to the South. Councillor Cole felt it was notable that Willows School had not objected to the application.

The Chairman pointed out that Condition 11 regarding the use of garages might address the Town Councils concerns.

Ms Kelly in addressing the Committee raised the following points:

- Residents were apprehensive as regards to a potential six additional vehicles in an already congested road.
- The proposed site would destroy the current perspective of existing houses.
- The road was only wide enough to take one car at 4.81m.
- There had been no consultation with residents.
- Residents suggested that a site on the other side of the club would alleviate any traffic problems and would not raise any objections from current residents.
- They believed that to position a driveway on a blind corner of the cul-de-sac at the narrowest part of the road would endanger pedestrians.
- The garages for existing residents were not fit for purpose as they were too narrow for modern cars. Visitors had to park on the access road and had not been considered in the plans.
- Residents had considered solutions to their objections such as dropped curbs and reduced front gardens of the new builds, to allow vehicles to turn and create more off-road parking.
- Ms Kelly pointed out that it was not a requirement to have rear access to a property and that this would impinge on the emergency turning circle.
- There was concern regarding the management of construction works and waste collection and Ms Kelly advised the Committee that when the waste vehicle visited the cul-de-sac, following the Members site visit, it had to mount the pavement to turn into the road.
- Ms Kelly brought to the Members attention a restrictive covenant that indicated the proposed site could not be built upon.

Councillor Jeff Beck asked Ms Kelly to explain her comments regarding the dropped curbs. Ms Kelly and Mr Gove explained that the pavements were wide and could be lowered to allow parking.

Councillor Julian Swift-Hook enquired if the residents considered their houses to be terraced or urban. The objectors replied that it was a quiet residential cul-de-sac and that most of the houses were link-detached. Councillor Swift-Hook queried Officers use of the

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

word 'urban' in their report and noted that residents enjoyed a high standard of environment which would be impaired by this development. Ms Kelly concurred with this view, stating that the three proposed units would not fit in with the current layout and would be detrimental to the cul-de-sac.

In response to questioning by Councillor Swift-Hook objectors made the following points:

- Mr South answered that the garages were only wide enough for a medium sized vehicle and it was difficult for some residents to exit from their garages. He pointed out that the application would site 2 car driveway opposite a garage on a blind corner.
- Ms Kelly advised that as the waste vehicles travelled around the blind bend they had to mount the curb and when reversing, mounted the pavement again.
- Ms Kelly explained that the current bowls club did not impinge on the residents at all.
- Mr South detailed an alternative scheme which residents considered preferable.

Councillor Roger Hunneman sought clarification as to whether residents parked on a strip of grass to the north side of the road. Ms Kelly advised that it was not used for parking and she believed it belonged to No. 1. The Highways Officer noted that the shrubs shielded the school playground and the 2m wide strip was the usual layout for a public highway and was owned by West Berkshire Council.

The Chairman advised that residents seek legal advice regarding the restrictive covenant as this was outside the Council's jurisdiction.

Mr Brian Mursell in addressing the Committee raised the following points:

- Small sites were useful in reaching the Council's new build target.
- The proposed site had good access public transport and amenities.
- The ground was unused and surplus to the clubs requirements.
- The design for three modern houses had been carefully considered and was the best solution. Each had an enclosed garden with two parking spaces. The garages were preferable to car ports as they were more secure and met the minimum standard set by the Council.
- The bowls club would profit financially from the sale of the land and would therefore be able to continue to benefit the community.
- The existing properties, in general, had at least two parking spaces.
- The reduction in boundary height, improved visibility for vehicles.
- Rear access was for pedestrians only.

Councillor Cole asked if the agent was aware of the restrictive covenant. Mr Mursell confirmed that he was not.

In response to questioning by Councillors, Mr Mursell made the following points:

- The new site would improve the visual amenity of the road. Mr Mursell explained that the new properties would have landscaped gardens and a lower boundary wall.
- The proposed garages would be large enough for a medium sized car as per the minimum standard set by West Berkshire Council.
- The financial situation of the Bowls club was not a material planning matter, but was of interest as it provided a social amenity.
- Parking was already congested. The proposed site would provide sufficient parking for the new residents and would therefore not impact on the current situation.

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

- The ideas offered by the objectors has been considered during the design process and had been rejected as other issues had been raised.
- Residents had not been consulted with.
- The objections raised regarding parking were addressing an existing problem; not one caused by the proposed development.

Speaking as Ward Member, Councillor Swift-Hook raised the following points:

- The character of Wallis Gardens was a semi-rural cul-de-sac, with open countryside less than 40m away from the proposed site. This would be significantly affected.
- Parking provision of two spaces was apparently generous. However, developers could exceed the minimum standard set by the Council, should they wish.
- Condition 11 would be difficult to enforce.
- Access for waste vehicles was difficult and potentially dangerous.
- Residents had offered a number of options.
- The new site would not add to the visual amenity as the current outlook was open.
- It was regrettable that the bowls club was struggling financially, but this was not a material planning consideration.

After considering the Committees deliberations, Councillor Swift-Hook proposed to reject Officer recommendation to grant permission. This was seconded by Councillor David Allen.

Councillor Cole asked the Highways Officer for clarification on the width of the pavements and whether the curb could be dropped. Paul Goddard explained that road layout was designed to accommodate pedestrians and motor vehicles. The pavements and carriageway were the standard size for a residential area and were fit for purpose. Councillor Cole considered it unfortunate that the developer did not consult with residents and could understand that residents did not want their open view disturbed. However, she was unable to see any planning reason as to why this site could not be accommodated.

Councillor Anthony Stansfeld was concerned that garage access was sited on the inside of a right hand bend. Paul Goddard explained that this was not unusual in a lightly trafficked area. It was not an entirely blind corner and visibility would be improved by the reduction in the height of the boundary and the loss of the railings.

Councillor Paul Hower commented that he could not support the proposal and asked if the S.106 payments would be drawn upon to utilise the grass strip to the north. Paul Goddard explained that this might be a possibility.

Councillor Allen was happy to support the proposal, but was concerned about the blind bend and the number of objections. However, it was a small site and was fulfilled many requirements.

Councillor Swift-Hook reiterated the danger of the blind bend. Paul Goddard explained that Government guidance advocated the use of blind corners as a traffic calming measure. The improvement of sight lines was therefore against this guidance. 90<sup>0</sup> bends were a common occurrence and a refusal on these grounds would be difficult to defend at appeal.

Councillor Stansfeld noted that the report had stated this was a balanced decision and inquired over what the Officers had deliberated. Derek Carnegie explained that Officers had to take many different aspects into consideration including residents and the

## WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES

Planning Inspector. This site was in an urban area, in close proximity to other houses. The Highways Officer had confirmed the road layout was designed to calm traffic.

Councillor Andrew Rowles considered a refusal would be impossible to defend at appeal and would not be supporting the proposal.

The Chairman invited the Committee to vote on the proposal of Councillor Swift-Hook, seconded by Councillor Allen, to reject Officers' recommendation to grant planning permission. This was not supported on the basis of the Chairman's casting vote. Members were then invited to vote on the proposal of Councillor Rowles, seconded by Councillor Hewer to accept Officers' recommendation to grant planning permission. This was carried on the basis of the Chairman's casting vote.

**RESOLVED** that the Head of Planning and Countryside be authorised to **GRANT** Planning Permission subject to the schedule of conditions (section 8) and the completion of a Section 106 legal agreement within two months of the date of Committee.

OR

If the s106 Legal Agreement is not completed within two months of the date of this Committee, **DELEGATE** to the Head of Planning and Countryside to **REFUSE PERMISSION**, given the failure of the application to mitigate the impact of the development on the local Infrastructure, where expedient.

### Schedule of Conditions

#### Time limit

1. The development shall be started within three 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 CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

#### Approved plans

2. The development hereby approved shall be carried out in accordance with drawing title numbers Location Plan (V.07.14/06), Existing Site Survey (V.07.14/01), Site Layout and Roof Plan (V.07.14/04 rev B), Proposed Floor Plans and Elevations (V.07.14/03 rev B) and proposed sections (V.07.14/05 rev B) and Design and Access Statement received with the application validated on 20th January 2014 and where amended by e-mail dated 27th March.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

#### Samples of materials

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

#### Landscaping

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

4. No development or other operations shall commence on site until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of 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.

The landscaping shall be carried out in accordance with the approved scheme.

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

### **Fencing and enclosures**

5. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority. This condition applies irrespective of the details submitted with the current application.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Hard surfaces**

6. No development shall commence on site until a scheme confirming any upgrade for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Construction method statement**

7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:
  - a) The parking of vehicles of site operatives and visitors
  - b) Loading and unloading of plant and materials
  - c) Storage of plant and materials used in constructing the development
  - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
  - e) Wheel washing facilities

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Visibility splays for private drives**

- 8. No dwelling shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the driveway/access and the adjacent footway. Dimensions shall be measured along the edge of the driveway/access and the back of the footway from their point of intersection. The visibility splays shall, thereafter, be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: To enable pedestrians to see emerging vehicles and to be seen by its driver. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

### **Access construction detail**

- 9. No development shall take place until details of the proposed access(es) to each dwelling have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be brought into use until the approved vehicular, pedestrian/cycle access and associated engineering operations have been constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the dwellings are first occupied and in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **Cycle parking**

- 10. No dwelling hereby permitted shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. In accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006 – 2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Garages Retained for vehicle parking**

- 11. Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 1995, the garage on the site shall not be used for any purpose other than as garage accommodation, unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the garage(s) is/are kept available for vehicle parking in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**Contaminated land**

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

**a) Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**b) Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**c) Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### **d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

#### **If required:**

### **e) Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years (to be agreed with the LPA), and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy Cs 14 of the West Berkshire Core Strategy 2006-2026 and advice contained within the NPPF.

### **Hours of work**

13. The hours of work for all contractors for the duration of the site development shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:-

7.30am to 6.00pm on Mondays to Fridays 8.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **Ecology**

14. No development shall take place until full details of the proposed dropped kerbs and other accesses to the site including details of the storm water drainage system, including grilles, gully pots and kerbs, have been submitted to and approved in writing by the Local Planning Authority. The system shall ensure that the existing gully grids in relation to the kerb are not altered. The approved system shall subsequently be maintained in a condition to the satisfaction of the Local Planning Authority at all times.



## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

Reason: In the interests of the great crested newt, a protected species and to ensure that existing mitigation measures are not adversely affected by this development. In accordance with Policy CS 17 of the West Berkshire Core Strategy 2006-2026 and advice set out in the NPPF.

15. Immediately before any development commences on site, the site comprising the grassland shall be carefully checked by an ecologist for Great Crested Newts. Any animals found shall be released next to the pond to the South of the site in the area edged blue on the approved location plan.

Reason: In the interests of the great crested newt, a protected species. In accordance with Policy CS 17 of the West Berkshire Core Strategy 2006-2026 and advice set out in the NPPF.

### **Sustainable Drainage**

16. No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. These details shall be informed by an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Technical Guidance to the National Planning Policy Framework, and the results of this assessment shall be provided to the Local Planning Authority. No dwelling hereby permitted shall be occupied until the approved surface water drainage works have been provided in accordance with the approved details. Where a sustainable drainage system is to be provided, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- b) include a timetable for its implementation.

Note: Any paved areas shall be formed of permeable paving.

Reason: The development must ensure that the design and locations of the SuDS provisions are adequate and maintainable and will provide adequate flood protection to this property and the surrounding area in accordance with National Planning Policy Framework (March 2012) and Policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026.

### **Code for Sustainable Homes**

17. The dwelling shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). The dwelling shall not be occupied until a final Code Certificate relevant to it, certifying that Code Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design (June 2006).

### **No additions, extensions or alterations**

18. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or

## **WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES**

extensions to the dwellings shall be built unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

19. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional window shall be inserted at first floor or above in any dwelling, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the potential overlooking of neighbouring properties and to safeguard the amenities of these neighbouring properties in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Informatives**

This list does not contain all informatives which may be attached

1. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted upon completion). You are advised to ensure that you have all the necessary documents before development starts on site.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519803, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5. 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.
6. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.
7. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.
8. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

## WESTERN AREA PLANNING COMMITTEE - 9 APRIL 2014 - MINUTES

9. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

**OR**

If the legal agreement is not completed within two months of the date of Committee to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following reason:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to the National Planning Policy Framework and Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPD Delivering Investment from Sustainable Development.

### **52(4) Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 9.15 pm)*

**CHAIRMAN** .....

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