

# **WESTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 JULY 2014**

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

**Also Present:** Mark Campbell (Planning Officer), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Policy Officer), Charlene Myers (Democratic Services Officer), Liz Patient (Solicitor) and Lorna Powell-Juarez (Development Control)

### **PART I**

#### **14. Minutes**

The Minutes of the meeting held on 2 July 2014 were approved as a true and correct record and signed by the Chairman.

Councillor Roger Hunneman thanked the minute taker for the correction on page 3, paragraph 8.

#### **15. Declarations of Interest**

Councillors David Allen, Jeff Beck, Ieuan Tuck and Julian Swift-Hook declared an interest in Agenda Item 4(5), 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(3), 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 Paul Hewer and Julian Swift-Hook reported that they had been lobbied on Agenda Items 4(2) and 4(4) respectively.

#### **16. Schedule of Planning Applications**

##### **16(1) Application No. and Parish: 14/01280/COMIND - Land North of Oaken Copse, Yattendon**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 14/01280/COMIND in respect of the construction of an earth banked slurry lagoon, at Land North of Oaken Copse, Yattendon, Berkshire.

In accordance with the Council's Constitution, Mr Peter Danks, agent, addressed the Committee on this application.

Mark Campbell introduced the report to the 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 Danks in addressing the Committee raised the following points:

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- The slurry lagoon was part of the planned development of the Yattendon Estate.
- Its presence would reduce the amount of tanker traffic moving through the village and would make the best use of the nutrients made available through the dairy farm; being able to store six months worth of production of slurry.
- Pumping to the site would be done over fields and under roads and would move an amount of slurry equivalent to an estimated 1,000 tanker loads.
- The location and design of the lagoon would minimise odour. Once filled, a crust would form and this layer would minimise odour; as would the separation and distance from receptors. The nearest neighbours were 600m to the south, in the opposite direction to the prevailing winds. This should create adequate dilution of the odour.
- Safety concerns had been addressed with the proposed fence, in line with Health and Safety Executive (HSE) guidance. There would also be a life ring and an escape route constructed of a string of tyres along the perimeter.
- Slurry would be applied to the surrounding land in a single campaign, over the course of a week. It would not be sprayed, but dropped onto the area and would be incorporated onto the ground within 24 hours. There would, of course, be odour during the period of application, as was usual.

Councillor Jeff Beck asked for clarification as to the fencing that would be erected, and observed that there was a footpath near to the proposed site where local people walked their dogs. Mr Danks explained that an established hedgerow separated the footpath from the lagoon. The fencing was in line with the HSE sheet no. A159. It would be 1.3m minimum in height with stop-netting. To augment the stop-netting, there would also be one strand of barbed wire at a low level, to prevent dogs and other small non-domesticated animals, and another strand of barbed wire at a higher level to stop larger animals.

Councillor Roger Hunneman offered the view that all the slurry would be applied in the area of the lagoon and surrounding land and that this would mean less movement of vehicles. Mr Danks concurred, but noted that vehicles would need to get onto the land to spread the slurry and establish a command centre for distribution.

Councillor Paul Hewer asked how often slurry would be spread. Mr Danks explained that large farms were restricted in when they could apply to the land and had to provide storage for slurry. He felt it was wise to have storage that matched the quantity of slurry. Councillor Hewer commented that restricting the spreading period to a week would be better for the surrounding area.

Mr Danks concluded that having the slurry onsite gave the farm manager more flexibility, for example, it could be applied when the wind was facing away from the village.

Councillor Hilary Cole was concerned over the loss of prime agricultural land and asked if any thought had been given to an alternative method of storage. Mr Danks explained that the majority of the estate was used for agriculture business and that using slurry for its nutrients was good practice and made the land more productive. The incorporation of the earth banks in the design meant that the land could be cultivated right up to the lagoon. The proposed site was relatively small compared to the size of the estate and the land lost was not of the best grade.

Councillor Virginia von Celsing inquired if the lagoon would be emptied each year or if the amount of slurry would build up over time. Mr Danks confirmed that the estate was mindful to make best use of the capacity of the material and the storage.

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The Chairman asked where the slurry was currently stored. Mr Danks described how the material was transported by tanker to be stored at nearby farms.

Councillor Hunneman asked for clarification on the 'road crossing' required. Mr Danks acknowledged that there was already one crossing, but that another would be needed. This would be achieved by using a plastic pipe inside a steel tube which emerged in a hydrant inside the field.

Councillor von Celsing, speaking as Ward Member, addressing the Committee raised the following points:

- The application had been brought to Committee as there had been a few objections and it was a large construction in an AONB (Area of Outstanding Natural Beauty), the size of two Olympic swimming pools.
- Residents had initially been concerned about the odour, but these concerns had been assuaged by the Estate assertions.

Councillor von Celsing proposed to accept Officer recommendation to grant planning permission. This was seconded by Councillor Beck.

At the vote the proposal was carried unanimously.

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

### **Conditions:**

#### **Standard Time Limit**

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

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

#### **Standard list of approved plans**

2. The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:
  - (i) Location Plan reference RAC/5960/1 received on 13 May 2014;
  - (ii) Existing and Proposed Site Plan and Cross-Sections reference RAC/5960/2 received on 13 May 2014;
  - (iii) Landscaping Plan reference RAC/5960/3 received on 13 May 2014;
  - (iv) Supporting Statement/Policy Appraisal received on 13 May 2014;
  - (v) Flood Risk Assessment received on 13 May 2014.

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

#### **Archaeological Watching Brief**

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

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Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

### Construction method statement

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
  - (a) The parking and turning 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) Wheel washing/cleaning facilities;
  - (e) Measures to control the emission of dust and dirt during construction;

Thereafter the construction works shall incorporate, and be undertaken in accordance with, the approved statement.

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), and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### Boundary treatment

5. Notwithstanding the details already submitted, no development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected around the completed lagoon has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the slurry lagoon hereby permitted is first brought into use. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element 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. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### No importation or exportation of material (soils)

6. No excavation material shall be removed from the application site. All excavation material shall be used within the site either for the creation of bunds or as an infill material. Furthermore, no soil making material or other waste material shall be imported to the site for the construction of the lagoon or for any other purpose.

Reason: To ensure that the development is carried out in accordance with the details submitted and in the interests of amenity. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### Construction of the Lagoon (soils)

7. No development shall take place until a method statement detailing the works / operations to be carried out to complete the construction of the slurry lagoon hereby

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approved has been submitted to and approved in writing by the Local Planning Authority. This method statement scheme shall detail:

- (a) The methodology to be used in the excavation and placement of the on-site materials to be used in the construction of the slurry lagoon hereby permitted
- (b) The location of any temporary top soil / sub soil / overburden storage areas
- (c) The methodology to be employed in the replacement of soil / sub soil / overburden over the completed bunds that will form the outer walls of the slurry lagoon
- (d) Details of the plant/machinery to be used in the construction operations

Thereafter the construction works shall incorporate, and be undertaken in accordance with, the approved statement.

Reason: To ensure that the development is visually acceptable within the landscape. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **Landscaping (scheme submitted)**

8. All landscape works shall be carried out in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing number RAC/5960/3 received on 13 May 2014 and the Supporting Statement/ Policy Appraisal received on 13 May 2014. The approved landscape works shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### **Tree Protection (scheme submitted)**

9. Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing number RAC/5960/3 received on 13 May 2014 and the Supporting Statement/ Policy Appraisal received on 13 May 2014. Within the fenced areas, there shall be no excavations, no storage/mixing of lime based products or fuels, no storage of materials, or machinery, no parking of vehicles, no fires.

Reason: To ensure the protection of trees identified for retention at the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### **16(2) Application No. and Parish: 14/01145/COMIND - Cobbs Farm Shop, Bath Road, Hungerford**

*(Councillor Paul Hewer reported that he had been lobbied on Agenda Item 4(2)).*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 14/01145/COMIND in respect of alterations and extensions to provide soft play space

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and additional ancillary kitchen, food preparation and storage space at Cobbs Farm Shop, Bath Road, Hungerford.

In accordance with the Council's Constitution, Charlotte Podger and Margaret Wilson Parish Council representatives, and Mr Tom Newey applicant, addressed the Committee on this application.

Isabel Johnson introduced the report to the 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.

Charlotte Podger in addressing the Committee raised the following points:

- She was the Deputy Chair of the Hungerford Planning Committee
- The Committee objected to previous, larger scale applications but considered that the current scheme was reasonable and therefore supported the proposal.

Councillor Virginia Von-Celsing asked whether they felt the development would direct business away from Hungerford town. Margaret Wilson believed that the development would attract people to the area which in turn would benefit the town.

Mr Tom Newey in addressing the Committee raised the following points:

- Alternative sites were not considered for the reason that they wanted to extend the current site and business rather than relocate altogether.
- Concerns regarding the sustainability of the site were unfounded, the business was accessible by bus and adjoining footpaths. However, a large majority of visitors would arrive by car and there was sufficient parking space provided onsite.
- The scale of the development would not meet the threshold to conduct a sequential test as suggested within the policy officers update point b (paragraphs 23 and 24 of the NPPF), the proposal would not increase the footprint of the building.
- He accepted that the development was positioned within the Area of Outstanding Natural Beauty (AONB) but highlighted that the North Wessex Downs (NWD) AONB had not raised any objections against the current application or previous, larger scale applications.
- Officers made reference to various contravening polices to reinforce their objection, he felt that many more policies supported the proposal which had been overlooked within the report.
- There was a local need for recreational activities as proposed within the application. The business grew during a strained economic climate, the proposal sought to expand the business further and provide additional jobs for local people.
- The key business focus was upon sourcing local products and supporting local providers. The kitchen extension would provide the facilities to expand the production of homemade, locally sourced food.
- The children's play suite was a part of a wider aim to teach children about sourcing of local products.

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In response to questions asked, Mr Newey advised that the business employed people from local towns and villages, staff travelled to work predominantly by car and bus, they encourage the use of the car sharing scheme.

Mr Newey understood that, through transaction data collected in 2013/2014, visitors to the site travelled from a wide area and therefore Cobbs Farm would contribute towards businesses in Hungerford town centre.

Food produced by Cobbs Farm would be sold in store only; Mr Newey confirmed that products would not be sold to larger superstores or third parties.

In response to concerns raised by Royal Berkshire Fore and Rescue, Cobbs Farm excavated a bore hole to provide a water extraction point on the site.

Councillor Paul Hewer, speaking as Ward Member, addressed the Committee and raised the following points:

- The current application was a product of altered, larger scale applications of which much consideration had been given to address concerns.
- The proposed development was in a good site of the purpose of business which met a local need and provided a facility for young families.
- He proposed approval of the application.

Councillor Von- Celsing acknowledged the concerns raised by Planning Policy but felt that the Committee should support opportunities for local businesses to expand. Councillor Garth Simpson echoed Councillor Von-Celsing's comments and, he also strongly support such proposals.

Councillor Hilary Cole stated that the Core Strategy policy ADPP1 encouraged activity to enhance local economy. She recognised the concerns raised by Planning Policy but felt the proposal should be considered for the economic benefits it would deliver. The development was set within a sustainable location and no objections had been raised by the NWD AONB.

In response to questions asked by the Committee, Derek Carnegie advised that the application would be considered by the District Planning Committee due to concerns raised by the Planning Policy Task Group. He explained that the District Committee would take a holistic view towards the potential economic impact of the proposal and others similar.

The Committee acknowledged that the economic impact was a finely balanced issue, although they were encouraged by the comments received from Hungerford Town Council Planning Committee.

Councillor Cole suggested that Officers provided projections regarding the developments wider economic impact, in order to avoid assumptions. She felt the proposal would enhance tourism and that the number of polices supporting the application had been overlooked which influenced the perceived impact.

Councillor Hewer proposed acceptance of Officer's recommendation for approval. The proposal was seconded by Councillor Von-Celsing.

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Officers explained that due to planning policy concerns the Development Control Manager would have to refer the application up to the District Planning Committee for determination.

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

### **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 P/B01A, L/001B, P/S02A, P/004G, P/001H, P/002K, P/003K, P/S01G dated 27/05/14.

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/schedule of the external 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.

#### **Schedule of solar voltaic panels**

4. No solar panels shall be erected on site until samples/schedule 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 panels, fittings and specifications. 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.

#### **Hard surfaces**

5. 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 new part of the

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development 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.

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

6. The new use shall not commence until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **External Lighting**

7. No new development shall be occupied until details of a scheme of any additional external lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of safety and visual . This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13, ADPP5 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **Cycle storage**

8. No development shall take place until full details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Landscaping**

9. No development or other operations shall commence on site until a detailed scheme of landscaping for the site 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.

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- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

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

### Tree protection scheme

10. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### Arboricultural Method Statement

11. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### 8.3 Informatives

1. The attention of the applicant is drawn to the request of the Royal Berkshire Fire and Rescue Service to provide private fire hydrant(s) or other suitable emergency water supplies at this site. Please note, any works which would involve access onto the Highway will require notifying the Highways Manager.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree any 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 Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

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4. Any temporary signing required as part of this development is to be agreed in writing with the Highway Authority, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD.
5. 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 nearby 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.
6. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
7. 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.

### **16(3) Application No. and Parish: 14/01391/COMIND - Land at Chieveley village hall, Chieveley**

*(Councillor Hilary Cole declared a personal interest in Agenda item 4(3) 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(3)) concerning Planning Application 14/01391/COMIND in respect of an extension to south of Village Hall for additional pre school facility.

In accordance with the Council's Constitution, Mike Belcher, Parish Council representative, addressed the Committee on this application.

Derek Carnegie introduced the report to the 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.

Mike Belcher in addressing the Committee raised the following points:

- He wanted to make it clear that the Parish Council was supportive of the pre-schools aspirations, however, they objected to the store-room and the play area that abutted the road on an elevated bank.
- The building was currently long and linear in design and, if approved, the proposal would extend it by a further 12m. There would be a loss of natural light as three of the six windows would be blocked for the store-room.
- The Councillors believed that there were alternative options, for example, abutting the north east face of the building, that would overcome these objections.

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- There had been little consultation with residents or the Parish Council as the plans were only revealed at the Village Hall AGM. They would like to see a revision of the plans and rigorous public consultation with consideration given to other options.

Councillor Hilary Cole noted that there had been little public consultation and inquired if the pre-school had approached the Parish Council. Mr Belcher confirmed that they had not been approached. Councillor Julian Swift-Hook opined that the Parish Council could have invited the applicants to present to them rather than waiting to be approached. Mr Belcher explained that the application had only been brought to their attention three weeks prior to that evening. Councillor Cole concluded that the first ten minutes of a Parish Council meetings were open for presentations, but neither the pre-school nor the architect had used the opportunity.

The Chairman noted that it was not a material planning consideration as to whether there had been sufficient consultation, but whether this was an acceptable proposal.

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

- It was disappointing that the applicant or agent were not present for this discussion.
- She was generally supportive of the aims of the Chieveley Recreational centre and had been Chairman for many years; overseeing the refurbishment in 2004.
- There had been considerable extensions to the north already. Her primary concerns were the elongated nature of the building and the impact on the street scene.
- When exiting the village the new housing development had been designed to give an open, rural feel to the area. The proposed site would be dominating and enclose the space through its elevated position and closeness to the boundary.

Councillor Jeff Beck commented that on the site visit he had listened to local people and after reading the written objection from the Parish Council, he felt that this was not a proposal he could accept. The building would destroy the open aspect and to put a play area next to a highway with a chicane was ridiculous.

Councillor Beck proposed to reject Officer recommendation and refuse planning permission for reasons of the negative impact on the street scene and the character of the area. This was seconded by Councillor Cole.

Councillor Anthony Stansfeld concluded that it was an ugly design that did not respect the quality and character of the landscape.

Councillor Garth Simpson noted that it was not the Members responsibility to judge the architectural merit of the design, however he was concerned at the positioning of the increased car parking space. Derek Carnegie noted that the Highways Officer had no objection on this matter.

The Chairman stated that as the site was in an AONB, architecture might be seen a material consideration.

Councillor Julian Swift-Hook observed that the design of the current building was not outstanding and that the proposed design would not make it better or worse. He felt that the consultation could have been done more effectively.

Councillor von Celsing proposed to reject Officer recommendation and refuse planning permission on reasons of detrimental impact on street scene and character of the area. This was seconded by Councillor Beck.

The Chairman invited the Committee to vote and the proposal to reject Officer recommendation and refuse planning permission was carried.

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

### **Reasons for Refusal:**

Impact on street scene

Impact on character of the area

### **16(4) Application No. and Parish: 14/00400/HOUSE - Church Cottage, 1 Burys Bank Road, Greenham**

*(Councillor Swift-Hook declared a personal interest in Agenda item 4(4) 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). He also reported that he had been lobbied on this item.*

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 14/00400/HOUSE in respect of extensions and alterations at Church Cottage, 1 Burys Bank Road, Greenham

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

Derek Carnegie introduced the report to the 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 Edmond in addressing the Committee raised the following points:

- The plans were misleading in terms of the scale of the development. The neighbouring property was significantly larger than his which was not made clear.
- He had made a few preparatory improvements to the property and surrounding vegetation.
- The plan was sympathetic to the unique character of the property and intended to bring the amenities up to a modern standard to meet family demands.
- He had a good relationship with his neighbour, although he was aware that they objected to the application.
- The proposed plans would improve the street scene.

Councillor Julian Swift-Hook, speaking as Ward Member, in addressing the Committee raised the following points:

- The Planning Officer and Mr Edmond presented a strong case for approval.
- He was surprised to hear that the neighbour was still concerned about the loss of light given that the amended design minimised the impact.
- Concerns had been addressed and compromises had been made on both parts to minimise impacts whilst delivering improvements to the property.

Councillor Swift-Hook proposed acceptance of Officer's recommendation, the proposal was seconded by Councillor Jeff Beck.

**RESOLVED** that the Head of Planning and Countryside be authorised to **GRANT** planning permission.

### **Conditions:**

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1. The development of the extension 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 should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with drawings 8050 01A, 13C, 14D and 15B received on 4 June 2014.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policy CC6 of the South East of Plan 2009 and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

3. The materials to be used in this development shall be as specified on the plans or the application forms.

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

4. Irrespective of the provisions of the current Town and Country Planning (General Development) Order 2008, no additional openings shall be inserted in the north-west elevation.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006-2026

5. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy 2006-2026.

6. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006-2026.

**16(5) Application No. and Parish: 14/01003/HOUSE - 2 Battery End, Newbury**

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*(Councillor David Allen, Jeff Beck and Ieuan Tuck declared a personal interest in Agenda item 4(5) by virtue of the fact that they were Members of Newbury Town Council and in Councillor Allen's and Beck's cases, the Planning and Highways Committee. Councillor Allen had been present when the application was discussed, but would consider the application afresh, however, Councillors Beck and 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).*

The Committee considered a report (Agenda Item 4(5) concerning Planning Application 14/01003/HOUSE in respect of a two storey and single storey rear extension at 2 Battery End, Newbury

In accordance with the Council's Constitution, Phil Barnet, Parish Council representative, Mr John Stather and Mr David Hatfull, objectors, and Mr Adis Karahodza applicant, addressed the Committee on this application.

Derek Carnegie introduced the report to the 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 Barnet in addressing the Committee raised the following points:

- He observed that there was a mixture of opinions at the Committee.
- Members had looked at the impact on no. 198 and no. 196. The proposal was for a considerable extension to create a large family home. Loss of light would be detrimental to no. 4 Battery End in the morning.
- The Design Statement warns against back filling and houses in this area had been built on generous plots.
- There might be difficulties during construction for vehicles delivering to the site, as there were already issues with car parking for parents taking their children to Falkland School.

Councillor Hilary Cole asked if he objected to the site. Mr Barnet reiterated that he was unclear as there was no strong reason to object and yet he felt there was more than met the eye.

Councillor Virginia von Celsing opined that the access to this development for site traffic would be arranged as it would for any other development. Mr Barnet explained that the corner became heavily congested at the beginning and end of the school day.

Mr Stather in addressing the Committee raised the following points:

- Neighbours had only latterly become aware of the proposed extension; on 20 May 2014. They were shocked that the design would mean a doubling in the size of the current house. This would dominate the bottom of the gardens of nos. 198 and 196 and impact on no. 4. As the shrubs were currently in leaf, the impact during the winter months should not be underestimated.
- The extension was out of keeping with other sympathetic extensions along the road and could set a precedent. They would not object to something more reasonable in size.
- The proximity to Falkland School would mean that construction traffic would create a major problem on the corner.
- The design was out of keeping with area, there had been a lack on consultation with neighbouring properties and the size was overbearing.

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Mr Hatfull in addressing the Committee raised the following points:

- He understood that this was a 1950s house that was in need of modernisation and a modest proposal would have been welcome, however the footprint of the proposed house was too large.

Mr Karahodza in addressing the Committee raised the following points:

- The development would be on the borderline of permitted development rights. The house had not been refurbished or extended since the 1970s and was therefore unacceptable as a family house. The three bedrooms were very small and the kitchen was non-existent.
- He was endeavouring to create a four bedroom house with a study and kitchen/diner. He felt great care had been taken to minimise impact on neighbouring properties and had consulted with architects he worked with in London to create a family home. He felt he had reached a compromise between what was reasonable and what his family required.
- He had called on some of the neighbours, but they had not been at home. He worked long hours and kept his weekends for his family time.
- The work would be completed during the school holidays and so would not cause an issue with those using the school.

Councillor Anthony Edwards, speaking as Ward Member, in addressing the Committee raised the following points:

- Councillor Howard Bairstow had called in this application as there were concerns about overdevelopment and a design out of keeping with the local houses.
- The Newbury Design Statement advised that large houses with long gardens should be preserved in this area, however he did not feel that this development contravened this principle.
- The view of the building would be different in summer and winter and this might have a bearing on the decision made by the Committee.
- There were a mix of house types in the area and the design would not change the character of the road. It was regrettable that the neighbours were not consulted, however efforts were made.

Councillor Hilary Cole asked Officers to expand on the 50% rule, which she believed only applied in AONB and not urban areas, and permitted development rights. Derek Carnegie agreed that the 50% did not apply in this case. The Government now allowed an extension to be 8m long, single storey and 4m high without planning permission. This application was for two storeys and therefore planning permission was required. The Government guidance was to be less restrictive. He commented that the architect had been skilful in reducing the impact through the use of the cat-slide roof.

Councillor George Chandler commented that he could understand the objectors comments as the extension went into the garden a considerable way and asked why the hipped roof on the back of the property had not been carried over into the plan, as had the cat-slide roof. Derek explained that the cat-slide roof protected the nearest property.

Councillor Beck noted that during the site visit no. 4 had been sold. The previous owners had raised the objection to the development, however the new owners had not. The Chairman reminded the Committee that this was not a planning matter.

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Councillor Virginia von Celsing appreciated the neighbours concerns and felt it was regrettable that they had not been consulted, however she felt the large garden could withstand this degree of extension. It was a large plot and the house was being brought up to modern day standards.

Councillor Beck proposed to accept Officer recommendations to approve planning permission. This was seconded by Councillor von Cesling.

The Chairman asked Officers if, due to the size of the extension, permitted development rights should be removed. Derek Carnegie opined that it would be inappropriate, in this case, as the garden was large and the applicant may wish to build a shed or children's play area later.

Councillor von Cesling inquired if there was a case to condition construction traffic outside of school hours. Officers maintained that the construction was not large enough and would not take long enough for this to be needed.

The Chairman invited the Committee to vote and the proposal to accept Officer recommendation and grant planning permission was carried.

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

### **Conditions:**

#### **Time**

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

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

#### **Standard approved plans**

2. The development hereby permitted shall be carried out in accordance with the approved drawing number 14/08/02 proposed alterations and 14/08/03 proposed elevations received 6th May 2014.

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

#### **Materials to match**

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

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Supplementary Planning Guidance 04/2 House Extensions (July 2004)

#### **Windows PD removal**

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows (other than those expressly authorised by this permission) which would otherwise be permitted by Schedule 2, Part 1, Class A, of that Order shall be constructed at first floor level on the east and west elevations of the house hereby permitted, without planning

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permission being granted by the Local Planning Authority in respect of a planning application.

Reason: In the interests of the privacy and amenity of neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

### 17. 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 8.40 pm)*

**CHAIRMAN** .....

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