

# **WESTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 21 FEBRUARY 2018**

**Councillors Present:** Howard Bairstow (Substitute) (In place of Virginia von Celsing), Jeff Beck, Dennis Benneyworth, Paul Bryant (Vice-Chair, in the Chair), Hilary Cole, James Cole, Adrian Edwards, Anthony Pick and Garth Simpson

**Also Present:** Sharon Armour (Solicitor), Derek Carnegie (Team Leader - Development Control), Linda Pye (Principal Policy Officer) and Jo Reeves (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Billy Drummond, Councillor Paul Hewer, Councillor Clive Hooker and Councillor Virginia von Celsing

### **PART I**

#### **40. Minutes**

The Minutes of the meeting held on 17<sup>th</sup> January 2018 were approved as a true and correct record and signed by the Chairman.

#### **41. Declarations of Interest**

There were no declarations of interest received.

#### **42. Schedule of Planning Applications**

##### **(1) Application No. and Parish: 17.02916 Glendale Manor, Cold Ash, RG18 9PB**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17.02916 in respect of a proposed first floor extension to the current bungalow and associated alterations. The entire property would be rendered and the existing access widened.
2. Derek Carnegie introduced the report and update sheet to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report set out that the development was acceptable and conditional permission was justified due to the large plot and site characteristics. The proposal would not cause demonstrable harm to neighbouring amenity or the character of the area. The proposal accorded with the NPPF (2012) and Policy CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).
3. Amendments to the development had been secured on 18<sup>th</sup> December 2017 which included reducing the height of the south wing of the dwelling by 0.9 metres. The windows on both the north and south elevation would be obscure glazed and obscure glazed privacy screens would be erected at both ends of the balcony to ensure that there was no overlooking on neighbouring amenities. The decking and raised terrace had been removed from the proposal.
4. Collaroy Road was characterised by detached two-storey dwellings in a variety of styles. Dwellings on the east of Collaroy Road predominantly had low hedges and boundary walls on the front boundary. The bungalow was located on a large plot – this plot had been divided into two as planning permission had been granted in 2017 for a new dwelling to the south of Glendale Manor (16/03610/FULD).

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5. The Planning Officer stated that this was a complex design but the application site was in a mixed use area and the dwelling would sit back 2.6m from the road. The land sloped downwards and therefore would not intrude on the street scene. Concerns raised around overdevelopment were unfounded as this was a large plot and two storey developments were common in Collaroy Road. It was considered that the TPO trees on the site would not be affected by the development. The SuDS Officer was confident that the provision would be sufficient.
6. The Planning Officer felt that all concerns raised in the letters of objection had been resolved. The Committee might want to consider amending Condition 4 in respect of the window on the northern side so that it was fixed closed.
7. In accordance with the Council's Constitution, Councillor Gillian Hall, Parish Council representative, Mr. Philip Greatrix, objector, and Mr. Stephen Hammond, applicant, addressed the Committee on this application.
8. Councillor Gillian Hall in addressing the Committee raised the following points:
  - Changing a bungalow into a house would not be successful;
  - The roof was a jumble of elevations – it should complement the neighbouring properties but it did not and was an ugly mixture;
  - The large window to the front of the house would be close to the road and there would therefore be a loss of privacy;
  - The balcony would mean that there would be a loss of privacy to Alamein and to the house yet to be built;
  - The weight of the Village Design Statement had not been taken seriously where it stated that extensions should be in keeping and in proportion to the existing building;
  - Councillor Hall referred to the protection of the trees and queried who would check that the roots of the two trees with a TPO would not be damaged. The village of Cold Ash valued all of its trees;
  - Councillor Hall stated that when a nearby development had been constructed then construction vehicles had blocked the highways.
9. Councillor Garth Simpson asked if Councillor Hall could elaborate in respect of her concerns for the trees on the property and the style of the roof. Councillor Hall stated that Cold Ash was a wooded parish and in particular the two trees with Preservation Orders were fine specimens and it would cause distress to the community if the trees were damaged during construction. In terms of the roof style she had not expected to see twelve changes in roof height which would create an unacceptable melee.
10. Councillor Adrian Edwards noted that the Tree Officer referred to two trees which had Tree Preservation Orders (an oak and an ash) and he asked Councillor Hall if those were the trees she was referring to. She confirmed that that was the case and her concerns were around building materials and vehicles using the site damaging the roots.
11. Mr. Philip Greatrix in addressing the Committee raised the following points:
  - Mr. Greatrix confirmed that he lived next door to the development site in Alamein and had moved into the property in June 2015;

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- Mr. Greatrix was also objecting on behalf of existing neighbours. It was unfortunate that Mr. John Cleator had not been able to attend to speak as he was a long standing resident;
  - Mr. Greatrix was also objecting on behalf of future owners and in particular those neighbours who would be occupying the new house to the south of the site;
  - The Parish Council had been unanimous in its objection to this proposal;
  - No-one would object to a development which was thoughtful. The bungalow was in need of renovation but the current design had received so many objections in respect of being out of character with the surrounding area, design, effects on neighbours and road safety;
  - An extension would normally be subservient to the existing building but this was not the case in respect of this application;
  - The proposed development included three flat roofs with no additional bedrooms added and therefore it was a poor use of space;
  - The design of the dwelling would be out of keeping with the street scene as although a number of houses in Collaroy Road were partially rendered this dwelling would be fully rendered in a champagne colour;
  - The style of window at the front of the dwelling was large and dominating and would force people who were walking by to look in;
  - The balcony to the rear of the property would impact on the privacy of Mr. Greatrix's property and garden as shown on the drawings attached to the Update Sheet;
  - In respect of Bedroom 2 it was proposed that the window should be obscure glazed. Mr. Greatrix felt that this type of glazing was not suitable for a bedroom window and that skylights should have been considered instead.
12. Councillor Anthony Pick noted that it mentioned in the report that neighbouring properties were partly brick and partly rendered and he therefore asked why Mr. Greatrix was objecting to the design of this dwelling. Mr. Greatrix responded that if the property was part rendered it would be more in keeping with the street scene.
13. Councillor Jeff Beck noted that Mr. Greatrix had mentioned the potential obscure glass not being acceptable in Bedroom 2. Mr. Greatrix said that it would be unfair to the current or any future occupiers of the property to have a window in the bedroom which they would not be able to look out of or to potentially open. He could understand the need for obscure glass in a bathroom but not the bedroom. He also mentioned that the obscurity glass at each end of the balcony offered no protection in terms of privacy and it would have been better if the balcony had been brought back a bit. Councillor Garth Simpson queried whether the balcony mitigation was sufficient for the new house as that would be closer to the development site. Mr. Greatrix confirmed that the visibility splays had been taken from the other end of the balcony and therefore the obscure glass screens would in effect be useless.
14. Councillor Adrian Edwards noted that Mr. Greatrix had mentioned the height of the windows at the front of the property. Mr. Greatrix confirmed that there would be a number of large windows above the front door and that people walking by would be able to look directly into the property. Privacy went both ways and it was not fair to force people to look in. If the proposal was to include a requirement that these windows should be obscure glazed then that would be fine but if it was left to the applicant to put up curtains then this would probably not happen.

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15. Councillor James Cole noted that Mr. Greatrix did not like the idea of obscure glazing at either end of the balcony and he asked if it would be better if it was bricked up. Mr. Greatrix stated that this would not help due to the visibility splays. He had no issue with a balcony but he questioned why it needed to be so big.
16. Councillor Cole asked if the render in the rest of the road was grey or white? Mr. Greatrix replied that the render was white. However, render often hid some issues underneath.
17. Mr. Stephen Hammond in addressing the Committee raised the following points:
  - In 2012 Mr. Hammond had bought Glendale Manor as his forever home. The property had rear inspiring views across the paddock and was a special place to live;
  - However, the property was run down and still was to a certain extent. Significant work had had to be undertaken in order to ensure that the property was functional;
  - He had submitted a planning application for a proposed additional dwelling on the site which had been approved in 2017 and he had consequently sold the land in order to fund improvements to his property;
  - He had asked his architect to design a modern property and the design before Committee that evening was modern and took advantage of the views from the site;
  - The proposed design was in keeping with the property to be developed to the south;
  - Six letters of objection had been received and amendments had been made to the drawings to accommodate concerns whilst satisfying planning guidance;
  - In respect of concerns around overlooking from the balcony – he and his wife had looked out of the loft window. Due to high fencing between his property and the neighbouring property all that could be seen was a stack of wood 6-8ft tall. He had submitted a photo and drawing but it had not been included in the Update Sheet as it was outside of the five day deadline;
  - There had to be a presumption around some degree of overlooking;
  - Mr. Hammond's bungalow was next to a two storey dwelling and it was therefore overlooked by their bedroom windows;
  - The issue around overlooking must have been acceptable when the new dwelling to the south had been approved in 2017.
18. Councillor Anthony Pick noted that the single storey north wing of the property would remain the same but this was not the case for the southern wing which had three windows on the side elevation. He asked if those windows would be obscure glazed. Mr. Hammond confirmed that that was the case. Councillor Pick asked how high the balcony would be. It was noted that it was 1.8m high. Mr. Hammond stated that screening was irrelevant as when one stood at balcony level it was not possible to see over the neighbouring garden. However, on the southern side there would be an impact and he would include obscure glass on that side.
19. Councillor Jeff Beck raised the issue of the obscure windows and in particular the bedroom one which would also potentially be fixed closed. He queried whether it was a good idea to allow bedrooms like that to be built where it was not possible for the occupant to look out of or to get any fresh air. Mr. Hammond stated that both

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the architect and the regulations would prefer not to have bedroom windows of this nature but the property was overlooked significantly from all three neighbouring houses. Concerns raised by local residents had resulted in the amended drawing and obscure windows had been proposed to satisfy the requirements of privacy.

20. Councillor Garth Simpson asked why the decking and raised terrace had been removed from the proposal. Mr. Hammond replied that the architect had said that the back garden was something that could be addressed at a later stage. The Tree Officer had requested a detailed scheme of landscaping for the site in any event and therefore those issues would be dealt with in satisfying that condition. Councillor Simpson queried whether it was Mr. Hammond's intention to have a brick built terrace. Councillor Paul Bryant advised that the Committee could not consider what the applicant might do in the future and if an application came forward for the terrace then it would be considered on its own merits.
21. Councillor Adrian Edwards noted that the Parish Council had objected about potential damage to trees which had a Preservation Order and he queried whether the decking would impact the tree on the northern boundary. Mr. Hammond stressed that the decking had been withdrawn from the application. The Tree Officer had stated that he would require information to see whether any building materials would impact on the oak. He would be happy to comply with whatever was required in order to protect the trees. Councillor Edwards also referred to the objection around people being able to look in the large windows to the front of the property. Mr. Hammond stated that many town houses were close to the road and people would be able to look in. People overcame that by putting up net curtains but Mr. Hammond was considering using glass which became obscure at the flick of a switch but that was obviously dependent on cost.
22. Councillor Paul Bryant asked why it had been decided to render the front wall. Mr. Hammond replied that it was to ensure that the property was in keeping with neighbouring properties. Champagne rendering was also proposed for the new house to the south.
23. Councillor Garth Simpson, Ward Member, in addressing the Committee raised the following points:
  - Councillor Garth Simpson stated that Mr. Hammond was right to develop the property and the basis of the development was a conversion from a bungalow to a house. The development of the bungalow was historically long and convoluted and he had a number of concerns;
  - Councillor Simpson agreed with the Parish Council that this was an overdevelopment of the site;
  - The roof lines were too complex and the development was outside of policy SPG 2004;
  - The Village Design Statement favoured 1.5 storey architecture with dormer windows and with less complex roof lines;
  - The proposed development had little compatibility with the street scene and the large floor to ceiling window would be incongruous in the area;
  - The property was only set back 6.2m from the street and therefore the frontage would be very visible and close to the road;
  - The size of the balcony would be over powering;

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- Councillor Simpson felt that the new building to the south would be adversely impacted from the proposed development and he had issues with the design as he felt that it was too ambitious;
  - If Members were minded to approve the application then Councillor Simpson would like to see stringent traffic management in place during the build period.
24. Councillor Hilary Cole noted that reference was made to SPG 2004 and she queried whether that was a saved policy. The Planning Officer confirmed that it was guidance and had been superseded by the DPD. Councillor Cole also asked if the Planning Officer had paid adequate notice to the Village Design Statement and whether it was a material consideration. Derek Carnegie felt certain that the Case Officer would have looked at what type of development the community would like to see in their area. However, it was not always possible to tick every box. He referred to the diagram showing the design of the new building to the south which had been included in the Update Sheet and this showed that the design of that building was similar. If the Committee refused this planning application then the Inspector at appeal would query why this one had been refused when the other had been allowed.
25. Councillor Anthony Pick queried the height of the balcony and whether the windows not opening was a fire risk. The Planning Officer stated that the architect would almost certainly design some form of ventilation and that the fire risk would be the subject of the Fire Regulations. Councillor Pick queried what was meant by Collaroy Road being an unclassified road. It was advised that there were three types of classified roads – A, B and C. All other roads were unclassified. Councillor Pick referred to the three windows to the south of the dwelling which it was proposed should be obscure glazed. He asked if Officers felt that this would be over dominant. The Planning Officer confirmed that in making a recommendation for approval the Case Officer would have taken into consideration the impact of the design on the new property to the south. If people lived in a rural village then there would always be some element of impact on privacy. Councillor Pick also asked about potential damage to trees on the site. The Planning Officer confirmed that the Tree Officer would state how close the materials should be to the trees and how the development would be managed. Sharon Armour advised that one of the conditions referred to obscure glazing but it was a decision for Members as to whether they would be non-opening or not. Councillor Jeff Beck said that obscure glazing was common in bathrooms but less so in bedrooms and he asked if there were other similar examples. The Planning Officer confirmed that there were other examples and there had been several in recent months. Most people in villages accepted that net curtains and blinds were a simple way to protect privacy. He admitted that it was not normal to have obscure glazing in bedroom windows but the applicant had offered this as an option.
26. Councillor Garth Simpson referred to the Village Design Statement and the comment that it was not a 'material consideration' – he asked the Planning Officer for clarification. The Planning Officer confirmed that Officers would take them into account but that they did not carry the same weight as planning policy. They were however, a material consideration.
27. Councillor Garth Simpson asked if the Case Officer had taken into account the fact that people used their back gardens and he asked if full consideration had been given in respect of overlooking. He contended that the amenity to application number 03610 had been under stated. The Planning Officer advised that it was not possible to dictate to a resident that they could not use the full extent of their

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- garden. Councillor Simpson still felt that the visual impact had not been considered properly.
28. In considering the above application Councillor Garth Simpson said that all Members had heard the concerns around the quality of the design. Mr. Hammond had the right to develop his property which was in the Settlement Boundary. However, there were a number of reasons why the application should be refused. The proposal created a visually overdeveloped property which looked compromised. Application number 03610 was more impacted than Alamein and he felt that the balcony should be less bulky and intrusive. Councillor Simpson therefore recommended refusal and this was seconded by Councillor Jeff Beck. Should the application be approved he would like to know when construction work would start as he felt that robust traffic management would need to be put in place. The road had no pavements and therefore children could be at risk when walking to the nearby school. This school was a religious school with about 200 pupils. Some of those pupils would come from outside the area and would therefore need to be driven to school by their parents. The risk of traffic was therefore serious and problems had been experienced when the last development of three houses had been built in the area. The Highways Officer responded that this development would be smaller, but if Members wished the condition on temporary parking and turning could be replaced with a stronger Construction Management Plan condition. While such a condition was often difficult to enforce, it did at least make applicants and builders plan their work better.
  29. The Planning Officer noted the reasons for refusal put forward by Councillor Simpson but they would be difficult to defend at appeal. The design of a property was subjective and what one person liked another might not. Councillor Simpson referred to the impact on the new dwelling to the south of the site but no design had yet been submitted. It was also noted that Councillor Simpson felt that the elevation to Collaroy Road was unacceptable but a similar design had been approved next door. The application would be difficult to refuse on design grounds and it was not an over development as the site was large.
  30. Councillor Hilary Cole agreed that design was always subjective. She lived on a busy road and people could look into her property if they so wished. That was life and it was not up to others to comment about what was acceptable and what was not. This application seemed to revolve around a neighbour dispute. Councillor Cole's concern was around the obscure glazing and fixed windows and she asked if the conditions could be amended so that there was not obscure glazing.
  31. Councillor Anthony Pick stated that he would not be able to support Councillor Simpson's approach. Whatever plan was suggested then the same constraints would apply and he felt that the roof design was quaint. Large windows at the front of the property were fashionable and popular in order to provide light. He was also concerned about the windows to the bedroom being fixed closed.
  32. Councillor James Cole would support Councillor Simpson's proposal as he felt that the application did not take into account the Village Design Statement and the extension was not subservient to the original property. Too much was being crammed into the site. He was not in favour of obscure glass but he could understand the need in this case.
  33. In response to a query from Councillor Adrian Edwards on the design of the new build it was confirmed that the design was not as complex as the current application.

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34. Councillor Garth Simpson referred to a photograph of the site which illustrated the plot size of the dwelling the subject of application number 03610. He still felt that the visual impact of the balcony was a concern.
35. Councillor Paul Bryant felt that it would be difficult to support refusal at appeal. This property had a large amenity space in modern standards and even if the design was complex then it would not necessarily be obtrusive in the street scene.
36. Councillor Garth Simpson proposed refusal of the application and this was seconded by Councillor Jeff Beck although he stated that he was not in agreement with the obscure glazed windows.
37. The motion for refusal of the application was put to the Committee and was lost on the vote. Councillor Hilary Cole made a counter proposal to accept the Officer Recommendation for approval of the application but that the condition around obscure glazing and the fixing closed of the windows be removed. This was seconded by Councillor Dennis Benneyworth.
38. Councillor Dennis Benneyworth was sympathetic with the comments made by Councillor Garth Simpson but agreed that it would be difficult to defend at appeal. He asked if it would be possible to condition development traffic movements. The Highways Officer stated that Condition 8 could be strengthened to include construction management. It would be difficult to enforce but it might encourage the builder and the applicant to consider how the development would be built. Councillor Garth Simpson asked if he and the Parish Council could be informed when work started on site so that he could liaise with the school and ideally he would like some lead in time. Councillor Paul Bryant stated that this was not something that could be imposed on the developer but the Planning Officer confirmed that he would try and ensure that Councillor Simpson was advised of the start date as he would know when the discharge of application notice came in.
39. The Chairman invited the Committee to vote on the proposal of Councillor Hilary Cole as seconded by Councillor Benneyworth to approve planning permission. At the vote the motion was carried.
40. The Planning Officer thanked Gemma Kirk, the Case Officer, for all her hard work and demeanour on such a complex application.

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

### **Conditions:**

1. The development hereby permitted shall be started within 3 years from the date of this permission and implemented in strict accordance with the approved plans.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
  - (i) Location Plan (1:1250) 2775-01C received on 04.12.2017;
  - (ii) Block Plan (1:200) 2775-04E received on 18.12.2017;
  - (iii) Proposed 2775-04E received on 18.12.2017.

Reason: To ensure that the development is constructed in accordance with the submitted details assessed against Policies CS14 and CS19 of the West Berkshire Core Strategy (2006 - 2026).



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3. The materials to be used in the development hereby permitted shall be as specified on the approved plans.

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 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance 04/2 House Extensions (July 2004) and Cold Ash and Ashmore Green Village Design Statement (2002).

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

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. 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).

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

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

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026).

6. The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. 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).

7. The development shall not be brought into use 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).

8. 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. When appropriate, the statement shall provide for:

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- (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
- (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
- (h) Timing of deliveries

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).

9. 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 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.

10. 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.
  - 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.

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11. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;

The above sustainable drainage measures shall be implemented in accordance with the approved details before the building hereby permitted is occupied and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

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 applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **Informatives:**

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice

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will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

3. The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, 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 applicant's behalf.
4. 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.
5. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
6. 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.

### (2) **Application No. and Parish: 17.03285 10-12 Old Station Business Park, Wilson Close, Compton, RG20 6NE**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/03285/FUL in respect of a section 73A application for variation of Condition 4: External lighting, of planning permission 00/00964/FUL – Construction of three two storey light industrial units in one block of three units at 10-12 Old Station Business Park, Compton, Berkshire.
2. In accordance with the Council's Constitution, Mrs Alison Strong, Parish Council representative, Dr Stephen Knowles and Mrs Rashmi Knowles, objectors, and Mr Matt Fenton, applicant, addressed the Committee on this application.
3. 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.
4. Mrs Strong in addressing the Committee raised the following points:
  - Compton Parish Council welcomed the opportunity to review the application as there were additional requirements to protect residents from light pollution and encroachment.
  - There had been a number of retrospective applications over the 18 year site history.
  - The development would be detrimental to the village street scene.
  - The access road had no road markings and a blind corner so the increased traffic would put school children walking to school at risk of harm.
  - The Parish Council requested:
    - A condition regarding the tilt and hours of operation for the external lighting.
    - Active involvement from Building Control
    - The prior screening condition to be enforced

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5. Councillor Anthony Pick asked for more information regarding the risk of light pollution. Mrs Strong explained that there was light pollution from the existing units that had been built out on the site.
6. Dr and Mrs Knowles, in addressing the Committee, raised the following points:
  - The site was positioned at a high elevation over the village and any external lighting would be highly visible from the High Street and Compton's conservation area.
  - They would like no lighting to be installed on the unit's western side as this would have the most significant impact on wildlife.
  - The lighting on the existing units was on outside of the hours of operation in the application before the Committee.
  - The landscaping and screening required by a previous condition had not been planted.
  - The access was a single lane on a blind bend and there was no footpath.
  - The development would lead to an increase in traffic volume. Traffic calming measures should be conditioned.
7. Councillor Beck asked what the difference in the number of parking spaces was between the original and amended application. Dr Knowles advised that 38 were originally proposed and it was now 48 spaces. Derek Carnegie advised that the application regarding parking spaces had been withdrawn.
8. Councillor Paul Bryant asked whether both bollard and passive infrared (PIR) would be unacceptable to the objectors. Dr Knowles advised that bollard lighting would be acceptable as it would be at a low level and not visible from the village. They objected to a fixed light on the side of the unit.
9. Mr Fenton in addressing the Committee raised the following points:
  - The application was to vary the wording of condition four of the original permission in order to allow details of the lighting scheme to be submitted after commencement of the development instead of before. The development had been commenced by laying foundations in 2004.
  - The application was not to approve a particular lighting scheme.
  - The lighting scheme would be submitted to the Council before the units were brought into use.
  - There did not seem to be any objections to the application to vary the wording of condition four, although other concerns had been expressed.
10. Councillor Pick suggested that the lighting scheme included motion sensor lighting. He asked whether the landscaping condition would be fulfilled. Mr Fenton replied that he would comply with the condition.
11. Derek Carnegie clarified that technically the development had commenced without details of the lighting scheme. Mr Fenton advised he would take into account the views of residents when designing the lighting scheme.
12. Councillor Adrian Edwards asked what the external lighting was required for. Mr Fenton advised that it was for security purposes.

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13. Councillor Garth Simpson asked how the historic complaints of residents could be addressed. Derek Carnegie advised that the original application was approved some 18 years previously so it too late to take enforcement action.
14. Councillor Bairstow expressed the view that there was no need for lights on the western side of the unit because the entrance was to the south. Mr Fenton agreed and would take this into account when designing the lighting scheme.
15. Councillor Bryant stated that he was surprised that the committee were able to add another recommendation regarding landscaping. Derek Carnegie advised he had confidence in the case officer that the condition was appropriate and enforceable.
16. Councillor Hilary Cole proposed that the Committee accept the officer's recommendation to grant planning permission. The proposal was seconded by Councillor Pick.
17. Councillor Pick expressed concern regarding the site history. Councillor Bryant stated that he hoped the applicant would take the residents comments on board.
18. At the vote the motion was carried unanimously.

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

### **Conditions:**

#### **Approved plans**

The development shall be carried out in accordance with drawings 1391/50, 1391/52, 1391/53 rev B, 1391/54 rev B, 1391/56, 1391/57, 1391/58 received on 21 November 2017.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against the National Planning Policy Framework 2012, Policies ADPP1, ADPP5, CS 9, CS 13, CS 14, CS 18 and CS 19 of the West Berkshire Core Strategy 2006-2026, policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

#### **Materials**

The materials to be used in the construction of the external surfaces of the building shall match the existing units within the Old Station Business Park.

Reason: To ensure that the external materials are visually attractive and respond to local character in accordance with the National Planning Policy Framework 2012, policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Quality Design Supplementary Planning Document 2006.

#### **Landscaping**

All landscape works shall be completed in accordance with the submitted plans, and supporting information. The approved landscape works shall be implemented within the first planting season following the first use of the development or in accordance with a programme submitted prior to the first use of the development 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.

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Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework 2012, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

### **External Lighting**

The use shall not commence until details of the external lighting to be used in the areas around and on the building, including details of their relationship to/impact on nearby residents have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved scheme before the use is commenced. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition.

Reason: To protect the amenities of nearby land users and the character of the area. Inappropriate external lighting would harm the special rural character of the locality. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and OVS.5 of the West Berkshire District Local Plan Saved Policies 2007.

### **Hours of Work**

No construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS14 of the West Berkshire Core Strategy 2006-2026 and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

### **Land Contamination**

Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the Local Planning Authority shall be carried out to agreed timescales and approved by the Local Planning Authority in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

Reason: To protect the amenities of future occupiers of the site in accordance with policy CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.5 of the West Berkshire District Local Plan Saved Policies 2007, and the National Planning Policy Framework 2012.

### **Parking**

The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and 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 2012, Policies CS13 and CS14 of the West Berkshire Core Strategy

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2006-2026 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

### Plant Machinery

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

(a) written details concerning any proposed air handling plant associated with the development including

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

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

(iii) the intended operating times.

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

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

Reason: To protect the amenity of residents and nearby land users in accordance with the National Planning Policy Framework 2012, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

### Hours of Operation

The use of the premises shall not operate outside the following hours:

07:00 to 21:00 Mondays to Fridays, 08:00 to 18:00 on Saturdays and not at any time on Sundays and Bank or Statutory Holidays.

Reason: To protect the amenity of residents and nearby land users in accordance with the National Planning Policy Framework 2012, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

### Informatives:

Public Rights of Way

### (3) **Application No. and Parish: 17.03427 Newbury Rugby Club, off Monks Lane, Newbury**

1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 17/03427 in respect of the change of use of part of the car park at Newbury Rugby Club to commercial use for West Berkshire Transport Operations Team.
2. In introducing the report the Planning Officer stated that this was a major application by the Local Authority to make part of a parking area available for use by public service vehicles. It was considered that there would be limited impact on traffic flows. Greenham Parish Council had raised an objection in relation to the access road and that it was too small to take the additional traffic generated. However, the parking would be for around 25 minibuses and vans which would be leaving the site early in



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the morning and returning late in the afternoon and therefore there would not be a significant conflict in terms of traffic movement.

3. Councillor Paul Bryant noted that there was also a care home in the vicinity and he asked if consideration had been taken into account in relation to the cumulative effect. The Highways Officer stated that there were concerns about the junction onto Monks Lane but traffic movements would be in off peak hours and therefore it was felt that the impact would not be significant. Traffic volume for the nursing home was also low.
4. Councillor Hilary Cole asked why the red line included the grandstand if the proposal was only for parking of service vehicles. Sharon Armour confirmed that there would be some use of an office within that area.
5. Councillor Jeff Beck was disappointed that no-one from the Transport Officer Team was present at the meeting to answer questions. It gives the impression that the Committee would rubber stamp the application. Also neither of the Ward Members had felt that it was necessary to attend the meeting.
6. Councillor Adrian Edwards asked whether David Lloyd Leisure had been consulted on the proposal as that venue was open from 6.30am until 10.00pm and therefore there would be a conflict of traffic. The Highways Officer responded that traffic at off peak times would still be less. He confirmed that David Lloyd had been consulted but had not submitted any comments.
7. Councillor Howard Bairstow felt that this proposal benefitted both the Rugby Club and the Council. It gave the Rugby Club additional income and also provided a space for public vehicles to park. The site was remote and secure.
8. Councillor Anthony Pick supported the comments made by Councillor Edwards and that all neighbours should be consulted on the proposals.
9. Councillor Anthony Pick proposed that the Committee accept the officer's recommendation to grant planning permission. The proposal was seconded by Councillor James Cole. The Chairman invited the Committee to vote on the proposal; at the vote the motion was carried.

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

### Conditions

1. 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 the advice in the DMPO of 2015, should it not be started within a reasonable time.
2. No development shall commence until a scheme to indicate a physical barrier no more than 0.5m high to be constructed a minimum of 10m distance from the boundary of the woodland to the south of the application site along the south boundary has been submitted to and approved in writing by the Council. This scheme shall then be implemented prior to the first use of the car park hereby permitted.  
Reason: To protect the margins of the woodland to the south in accord with policy CS17 in the WBCS 2006 to 2026.
3. No development shall commence on the site until a scheme to improve the current hard surface of the application site has been submitted to and agreed in writing by

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the LPA. Before the car park is put to use, the hard surface shall be laid down to the satisfaction of the Council.

Reason: To ensure the parking surface is suitable for vehicle parking in accord with policy CS13 in the WBCS of 2006 to 2026.

**43. 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 9.10 pm)*

**CHAIRMAN** .....

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