

Note: These Minutes have been amended. Please see Minutes of 10 April 2019 for amendments.

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 MARCH 2019

Councillors Present: Peter Argyle, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Tim Metcalfe, Graham Pask (Chairman), Quentin Webb (Substitute) (In place of Richard Somner) and Emma Webster

Also Present: Jessica Bailiss (Policy Officer (Executive Support)), Michael Butler (Principal Planning Officer), Gareth Dowding (Senior Engineer), Stuart Higgins (Public Rights of Way Officer) and David Pearson (Development Control Team Leader)

Apologies for inability to attend the meeting: Councillor Pamela Bale, Councillor Alan Macro and Councillor Richard Somner

PART I

59. Minutes

The Minutes of the meeting held on 27th February 2019 were approved as a true and correct record and signed by the Chairman, subject to the following:

- Councillor Webster had given her apologies for the meeting.
- There were numerous reference to the word judgement that needed to be replaced with judgment.

60. Declarations of Interest

Councillor Tim Metcalfe declared an interest in Agenda Item 4(1), and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter however would make a representation to the Committee as Ward Member.

Councillors Emma Webster, Graham Pask, Richard Crumly, Peter Argyle and Alan Law declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

61. Schedule of Planning Applications

(1) Application No. & Parish: 18/03195/FULMAJ - Land at Springs Farm, Westbury Lane, Purley on Thames

(Councillor Tim Metcalfe declared a personal and prejudicial interest in Agenda Item 4(1) by virtue of the fact that Springs Farm was a neighbouring farm that was sometimes used by his own business and on occasion he worked with the applicant. As his interest was a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter and would take no part in the debate or voting on the matter however, he would speak on the item as Ward Member.)

(Councillor Emma Webster declared a personal interest in Agenda Item 4(1) by virtue of the fact that the applicant was known to her and she had worked with them in the past. 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.)

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(Councillor Graham Pask, Emma Webster, Peter Argyle and Alan Law declared a personal interest in Agenda Item 4(1) by virtue of the fact that they had been lobbied on the item)

(Councillor Tim Metcalfe left the meeting at 6.34pm)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/03195/FULMAJ in respect of the change of use of land from agricultural to equestrian use; associated paddocks and bridge; and retrospective application for stable block, manège, track, and 4 staff flats in stables.

Michael Butler introduced the report to Members' of the Committee, which recommended conditional approval, and ran through the key points. Over ten letters of objection had been received. It was a retrospective application for change of use from agricultural to equestrian.

Mr Butler reminded Members that fencing was not for consideration by the Committee as it was covered by Permitted Development Rights (PDR). He suggested that if Members were minded to approve the application then they might wish to consider removing PDR on the site.

Mr Butler highlighted that footpath issues were a main area of public concern as there were ongoing rights of way issues relating to the site. In recommending the application for approval, Officers' considered that this would in no way compromise future decisions taken by the Council on the site, regarding footpath issues.

Regarding the objection raised by the Environment Agency, Mr Butler stated that following a telephone conversation during the week, he was confident that concerns raised could be overcome.

Mr Butler drew attention to point one on the update sheet and highlighted that the applicant should read Springs Farm Limited and not Mr Otaibi.

Mr Butler drew attention to information on the update sheet with regards to conditions, which detailed that conditions one and seven could be removed. Finally he clarified that information circulated by the applicant's agent to all Members of the Committee was not 'new' information.

In accordance with the Council's Constitution, Richard Farrow, Parish Council representative, and Lucy White, agent, addressed the Committee on this application.

Parish Representation

Mr Farrow in addressing the Committee raised the following points:

- He was representing the views of Purley on Thames Parish Council.
- The Parish Council was only objecting to the possibility of commercial use due to the traffic implications this would have.
- If the application involved any disruption to the existing footpath crossing the site then the Parish Council would object as this process sat outside of the planning application process and would need to be considered under different legislation. It was acknowledged that the application itself did not propose changes to the Rights of Way.
- The Parish Council supported all eight conditions recommended by West Berkshire Council, if permission was granted.

There were no questions raised by Members.

Agent Representation

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Ms Lucy White in addressing the Committee raised the following points:

- Ms White was a Planning Agent and Town Planner. She reported that the application was the result of extraordinary design work in consultation with West Berkshire Council, Purley on Thames Parish Council and residents.
- Ms White was pleased to see that the Officer recommendation was to grant conditional planning permission.
- The application involved a change of use from agricultural to equestrian use for non-commercial, private use. A change of use was required so that the land could be used for purposes beyond grazing.
- The flats contained within the existing stable block had been erected by the former owner of the site.
- In the previous set of plans the southern paddock of the site had conflicted with a Right of Way. Objections had been raised as a result and therefore revised plans had been submitted following the site visit that did not obscure the Right of Way.
- Heras fencing had been removed since the site visit and replaced with a suitable alternative.
- Consultation had taken place with local residents and it had been suggested that they should get in touch if they had concerns about any aspects of the application.
- The applicant participated in the local community and was committed to being a good landowner and neighbour.

Questions from Members

Councillor Graham Bridgman noted that the application was in the name of Springs Farm Limited however, according to his research no company under this name existed in the area. Councillor Bridgman therefore asked Ms White if her client had been credit checked. Ms White confirmed that Springs Farm Limited was provided as part of the details by the applicant. Councillor Bridgman further questioned how the Committee, if minded to do so, could grant permission to an entity that did not exist. Ms White commented that planning permission applied to the land. Councillor Emma Webster asked if Ms White had received certificates from her client and Ms White confirmed that she had in the name of Springs Farm Limited/Mr Otaibi.

Ward Member Representation

Councillor Tim Metcalfe in addressing the Committee raised the following points:

- The application in question was purely a retrospective planning application. Every aspect of the application being applied for was already in existence.
- The site had changed significantly over time. Changes included an all-weather riding track which was once a paddock. Councillor Metcalfe felt that despite the changes the site still looked nice and he had no objection to it.
- All four of the flats above the stable block had been there for over ten years. He was therefore surprised that the applicant was willing to accept condition four.
- Councillor Metcalfe expressed his disconcert at comments submitted by the Environment Agency.
- He felt that the water feature on the site was very attractive and he had no objection to this.

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- Overall, Councillor Metcalfe expressed that he supported the application. The only aspect of the site that he had not been happy with was the heras fencing however, this had now been removed.
- He noted from the plans that the footpath that had been the same for over 30 years, had now moved to a different line on the plans. Stuart Higgins (Public Rights of Way Officer) had confirmed that the footpath had moved to the correct line. He acknowledged that this was not a planning consideration and would therefore speak to the relevant Officers outside of the meeting on this point.

There were no questions raised by Members.

Members Questions to Officers

Councillor Alan Law noted that if the application was approved it would contradict Planning Policy C5 in the Housing Site Allocations Development Plan Document (HSA DPD), which related to housing for rural workers. He therefore asked if the application was approved if it would be deferred to the District Planning Committee. David Pearson stated that because the flats had been in existence for over 10 years it was unlikely that this would be the case. Members could however vote to reference the application up to the District Planning Committee if they wished.

Councillor Law referred to an application that had been deferred to the District Planning Committee at the last meeting of the Eastern Area Planning Committee in reference to Policy C5. He felt that there seemed to be two interpretations of the same issue. Mr Pearson stated that there were material differences between the two applications. The Chairman stated that this was an issue that needed to be discussed at a senior level outside of the Committee meeting.

Councillor Keith Chopping asked to hear Mr Higgins' views regarding the Rights of Way in the area. Mr Higgin's stated that the public footpath PURL1/1 ran across the application site. The footpath had first been detailed on a map in 1954. In the late 1980s landscape changes had taken place at the site and an avenue was added. People using the footpath had become accustomed to walking along the avenue however, the legal line was to the south of the avenue. An application could be submitted to turn the more recent route into a Public Right of Way however, evidence would need to be provided.

Councillor Bridgman referred back to the site visit. Members had stood close to the Heras fencing at the rear of the roadway, which was at a right angle to buildings on the site. There had been a piece of Heras fencing to the right and according the map, the footpath had run directly from the road and straight ahead. It was very apparent at the site visit which track people were using to walk along, which was to the right of the fence. He therefore asked if the new replacement fencing was across the footpath. Mr Butler confirmed that the Heras fencing had been removed and the new fencing followed the line of the definitive Right of Way. Mr Butler reminded Members that the Right of Way was not significant in consideration of the application.

Councillor Bridgman referred to conversations earlier in the meeting concerning the name the application was registered in. He confirmed that Springs Farm Limited was registered in Guernsey. He also used the opportunity to commend the quality of the Officer's report regarding the application in question.

Councillor Webster referred back to comments that the objection by the Environment Agency had been removed. She was concerned that no conditions were included within the report or update sheet to reflect this. Mr Butler confirmed that he had not yet had sight of any conditions however, if the application was approved it would be subject to conditions recommended by the Environment Agency.

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Debate

Councillor Chopping proposed that he was willing to support the application. In his view it was a splendid facility and location and the site had been beautifully designed and constructed. He commented regarding his aversion to the network rail line and overhead power lines for electrification, which had been located close to the site with little sympathy for the countryside or the beautiful Goring Gap, which they cut through. He felt that the application under consideration was acceptable and therefore proposed that Members approve the application subject to the changes in conditions noted in the update sheet and any conditions submitted by the Environment Agency.

Councillor Chopping's proposal was seconded by Councillor Richard Crumly. Councillor Crumly noted that 49 letters of objection had been received and had largely concerned fencing around the footpath. The footpath was however a separate issue and not for discussion as part of the application and he therefore expressed his support for the application.

Councillor Webster expressed her frustration with the application. She recalled comments made regarding the applicants efforts to work constructively with the local community however, the best way to demonstrate this was to be constructive. Councillor Webster sympathised with the fears of the community when the applicants had submitted two application within two years.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Chopping and seconded by Councillor Crumly.

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

Conditions

1. The development shall not be brought into use until the vehicle parking and/or turning space have been surfaced 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 (July 2018), 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).

2. Notwithstanding the provisions of the General Permitted Development Order 2015 as amended, or any subsequent revisions or alterations, within the red line application site, no further enclosures up to 2m in height of any kind shall be erected without the express permission from the local planning authority in respect of a planning application.

Reason: To ensure future enclosures are controlled, in the interests of visual impact, in accord with policy ADPP5 in the WBCS of 2006 to 2026, and the advice in the NPPF on the protection of the AONB landscape.

3. All of the 5 staff flats hereby permitted by this approval in the existing stables, shall only be occupied by employees of the Springs Farm Estate, and their dependents, and by no other occupant.

Reason: The Council is not satisfied that the approval of non-restricted C3 accommodation in this location is justified, having regard to the advice in policy C5 in

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the Housing Site Allocations Development Plan Document of 2017. Accordingly the accommodation must be restricted in the manner noted.

4. The development must be carried out in strict accord with the following amended plans dated 22nd January 2019 on the file -:all by Morse Webb - job number 568. 020-PLO4, 050-PLO4, 004-PLO2, 021-PLO3. Plus 002-PL00. In addition plan numbers [all job 568] 003-PL100, 004-PL100, 010-PLO3, 011-PLO2, 030 to 44 inclusive all PLO2, and 060 and 061 plus 070-PL02 are the approved as existing and proposed plans, hereby permitted.

Reason: To provide clarity in the permission in accord with the advice in the DMPO of 2015.

5. At no time shall any of the equestrian uses, operations, stable buildings hereby be permitted to be used for any commercial purposes whatsoever, but must remain in private equestrian recreational use attached to the Springs Farm estate.

Reason: To control future intensity of activity on the site having regard to the rural setting of the site and its sensitive nature in accord with policy ADPP5 in the WBCS of 2006 to 2026.

6. The lighting hereby permitted at the manege shall be turned off at 8pm every night at the latest and not turned on until 7am at the earliest the following day, if required, over the winter months.

Reason: The manege lies in the rural area in the AONB and it is necessary to control future light pollution, in accord with the advice in the NPPF.

62. Application No. & Parish: 18/02635/COMIND - Shalford Farm, Wasing

(Councillor Tim Metcalfe re-joined the meeting at 7.30pm)

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/02635/COMIND in respect of the conversion and redevelopment of land and buildings at Shalford Farm; wedding shop, estate farm shop, overnight accommodation, bakery and cookery school, restaurant and yoga studio, biomass boiler and associated parking and landscaping.

Michael Butler introduced the report to Members' of the Committee, which recommended the application be refused, and ran through the key points. The application had been called in by the Ward Member, irrespective of the Officer recommendation to refuse planning permission.

Mr Butler drew attention to the update sheet, which detailed the Environment Agency had formally removed their objection to the application and were recommending conditional permission.

Mr Butler stated that the update sheet also contained further information as to why the applicant's agent considered the provision of a shuttle bus to be effective and viable in transporting both employees and visitors to the site. Mr Butler stated that the Officer view was that the site would not become sustainable through the provision of a shuttle bus. The Highways Officer had also not altered his recommendation for refusal as a result of the proposed shuttle service.

Mr Butler concluded that the update sheet also contained answers to queries raised by Members at the site visit. He confirmed that the number of employees would rise from seven to 31 if the application was approved. Footpaths around the site were not considered by Officers to assist the sustainability of the site. Finally Mr Butler confirmed that the distance from the application red line site boundary to the farm house was 41 metres.

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In accordance with the Council's Constitution, Mary Cowdery, Parish Council representative, Martin Caiger-Smith, objector, and Josh Dugdale and Steven Smallman, applicants, addressed the Committee on this application.

Parish Council Representation

Ms Mary Cowdery in addressing the Committee raised the following points:

- Members who had attended the site visit would have noted that the site was located within a quiet part of rural West Berkshire.
- If the development was to be approved the visual aspect of the site could then be likened to being in the middle of an urban area like Thatcham.
- Peace and quiet was what residents had been seeking when moving to the area.
- There had been concerns raised regarding the potential light pollution from the development. The community of Brimpton wanted to retain their dark night sky. Approving the proposal would increase light and traffic in the area.
- The site, if approved, would be used twenty four hours per day, seven days a week and would result in lorries travelling to and from the site for delivery purposes.
- The site was not on a bus or cycle route. Ms Cowdery did not feel that the shuttle bus proposal would work as visitors would wish to come and go as they pleased. The shuttle bus could help to shuttle people around the site however, would not be suitable for taking people further afield.
- The road approaching the site from the A4 was a single track road with a humpback bridge. The road flooded on a regular basis.
- The car parking proposed was not adequate for the site and because of the nature of the area, on road parking would not be suitable.
- In places the road approaching the site was too narrow for cars to pass each other. The turning from the A4 at Woolhampton involved crossing a single lane humpback bridge. There were dangerous bends when approaching the site.
- The Parish Council was concerned about the risk of water pollution in the River Enborne.
- The Parish Council was not against redevelopment of the site but the disadvantages of the current application to the local community, outweighed the benefits.
- On the grounds detailed above, the Parish Council could not support the proposal.

Member Questions to Parish Council

Councillor Alan Law asked if the facility close by at Rosebourne was similar to what was being proposed. Ms Cowdery confirmed that Rosebourne was very dissimilar to the proposal, which was aimed at enhancing its wedding business. Rosebourne on the other hand was a garden centre with a restaurant.

Councillor Keith Chopping asked if the local area suffered from noise problems as a result of the site currently. Ms Cowdery stated that it depended on how close residents lived to the site. She lived half a mile from the site and rarely had an issue with noise.

Councillor Emma Webster noted Brimpton's Parish Plan and asked if it contained reference to economic development within the area. Ms Cowdery was unable to confirm

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this point because although the Parish Council oversaw the development of the Parish Plan it was controlled by a separate Committee.

Councillor Richard Crumly asked how long ago the site had been used as a farm. Ms Cowdery stated that she had lived in the area for about 50 years and could not recall the site being used as a farm.

Councillor Bridgman referred to Rosebourne and asked for confirmation that it was located on the A340 and queried how this differed from the roads approaching the application site. Mr Cowdery confirmed that the A340 was a classified A road, whereas the application site was located on an unclassified road.

Councillor Metcalfe had noted that, upon leaving the site visit, the A340 was in close proximity and therefore there were acceptable transport routes close by.

Objector Representation

Mr Martin Caiger-Smith (on behalf of Nick Caiger Smith as agreed by the Chairman) in addressing the Committee raised the following points:

- His family had lived at and cared for Shalford Farm since 1960. The family were aware that the site was of historical interest being home to ancient ruins and some of the house dated back to the 15th century.
- The 41 metres referred to in the Planning Officer's presentation and update sheet was the front lawn at the front of the house.
- His family were mindful of the local economy however, were concerned about the scale and complexity of the proposed development. There would be a new buildings including a Dutch barn and other service facilities, most of which would depend on each other to remain viable in support of the wedding business.
- Most aspects of the development would operate seven days per week. Visitors would be travelling to and from the shop, restaurant and cooking school all day. Staff and wedding guests would be heading home late at night and then there would only be a few hours respite before operations commenced again in the morning. In light of this, Mr Caiger-Smith struggled to see how noise would be controlled.
- Local roads were narrow with passing places and were often at risk of flooding. They were not suitable for the volume of traffic that would be generated by the site. Mr Caiger-Smith did not feel that the Shuttle Bus service would go far enough in mitigating the impact that would be caused.
- Noise, light and air pollution within a quiet rural area would hugely impact upon the lives of local residents.
- Mr Caiger-Smith stated that the garden of Shalford Farmhouse flooded on a regular basis.
- He asked Members to consider what would happen if the proposal was approved and failed to be a commercial success. He pleaded that Members of the Committee refuse the application.

Member Questions to Objectors

Councillor Richard Crumly asked if Mr Caiger-Smith was aware if any farming activity had taken place at the site in the past. Mr Caiger-Smith confirmed that his family had lived at Shalford Farmhouse for 53 years and he had never known it to be used as a functioning farm. The Dutch barn had been used as an overflow for animals, which were unwell.

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Currently it was being used as a caravan rental business which generated low traffic movements.

Councillor Law noted through viewing the site history that a change of use had been approved in 1989 for container storage, which in his mind would suggest lorries had travelled to and from the site. Mr Caiger-Smith stated that he did not recall such a use but was not qualified to comment.

Applicant / Agent representation

Mr Josh Dugdale and Mr Steven Smallman in addressing the Committee raised the following points:

- Mr Dugdale was commenting as a custodian of Wasing Estate and stated that without the funding from weddings the estate would not be viable.
- There were exciting plans for the future of the estate, which supported diversification and organic farming.
- The organic farm would provide local produce and a sustainable method of providing food. It was not possible to move the sustainable assets to urban locations.
- 31 new jobs would be created if the application was approved.
- West Berkshire Council's Core Strategy supported that opportunities for diversification should be encouraged, including farm diversification.
- The proposal would make use of existing buildings. The state of the farm building was currently poor and the site was used as a car park.
- No objections to the application had been received from technical consultants except for Highways. A travel plan had been proposed with a shuttle bus included. This would service local towns and villages, picking up guests and staff. The shuttle bus would also solve the issue of younger members of staff being able to get to work.
- The application was a solution to improve sustainability incorporating a low carbon future.

Members Questions to Applicant / Agent

Councillor Law noted one of the comments included within the public representations stated that there were other sites at Wasing Estate available for the use proposed and he asked Mr Dugdale to comment on this. Mr Dugdale stated that there was not another location on the site that would be sustainable. A single site would make the project extremely challenging and expensive.

Councillor Chopping queried to what extent the application went in supporting the current wedding facilities and Mr Dugdale confirmed that it was very much supportive. He commented that a reduction was being seen in the number of people getting married, so in order to attract more people to Wasing Estate, innovative ideas were required. The proposal would aggregate services in one place, which would be available by appointment only. Councillor Chopping noted that the proposal was largely in support of the current wedding business but not completely. Mr Dugdale confirmed that it would largely support the wedding business as well as the organic farm.

Councillor Chopping asked how many wedding the business currently catered for. Mr Dugdale stated that in one year 160 weddings had been catered for at Wasing and in

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2018/19 this had reduced to 125. A reduction in people getting married was not only affecting Wasing Estate but also other wedding venues across the country.

Councillor Chopping asked if the application was approved if it would affect the wedding business and Mr Dugdale confirmed that it would. The number of wedding venues was increasing however people's habits regarding getting married were changing and therefore innovation was required. The organic farm would provide an ethical way to provide for weddings.

Councillor Bridgman asked where guests to Wasing Estate were currently staying. Mr Dugdale confirmed that there were 26 bedrooms available on the site and as a wedding venue 146 people could be catered for. This could result in 30 to 40 car journeys for a large wedding. Councillor Bridgman further asked where guests were staying if not at Wasing and Mr Dugdale commented that many used the Regency Park Hotel in Thatcham. Councillor Bridgman raised questions about viability and that there would actually be an increase in the number of guests staying at the Estate and travelling to weddings and Mr Dugdale reported that in the future there might be fewer weddings but larger in size. It was hoped that steps could be taken towards managing the whole process.

Councillor Bridgman referred to paragraph 6.1.4 of the report, which stated that a sequential test must be submitted. Mr Steven Smallman stated that on the 3rd December 2018 the Planning Officer had emailed the applicant to say that in the interest of sustaining the rural economy a sequential test was not required. Mr Smallman disagreed with the statement within the report that it was a major development. A major development was classed as a development that was an increase of more than 1000 square metres, which the application would not exceed. Regarding the location of the site, Mr Smallman commented that the proposal would not succeed if it was located elsewhere and therefore in his view there was no other suitable site.

Councillor Law felt that the proposal was very complicated and queried the restaurant, yoga facility and cooking school. Mr Dugdale reported that the proposal was based on aggregation and these aspects would make the business stronger economically. Councillor Law noted therefore that not all aspects of the proposal were designed to support weddings and had been added on to help make the project viable. Mr Dugdale reported that produce from the farm would be used for weddings. The aim was to make the business stronger.

Regarding highway issues, Councillor Webster observed that the wedding business would receive 'one off' custom however other aspects proposed would rely on repeat business. Mr Dugdale confirmed that this was correct.

Councillor Tim Metcalfe asked what the pumping station on the plan was for. Mr Smallman confirmed that this maintained and controlled ground water levels but was only used in certain circumstances.

Ward Member Representation

Councillor Dominic Boeck in addressing the Committee raised the following points:

- He had lived in the suburbs of West Berkshire along with rural areas and the communities in these areas were very different.
- He had lived in Brimpton for five years and commented on the precarious nature of rural areas. Over the years traditional jobs had been lost; fewer young families could afford to live in the countryside because of limited affordable housing and young people often moved away. There was often little participation in local society.

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- Help needed to be given to rural communities and if too much effort was placed on resisting change, then this option would fade away.
- There was a good network of footpaths that surrounded Shalford Farm. Councillor Boeck stated that he could walk 90% of the distance from his house to Shalford Farm using footpaths.
- He noted comments regarding bus services. There was a bus stop outside the Farmhouse however there were no longer any buses due to a decision taken by the Council to reduce bus services. The site was now being classed as unsustainable because there was not a bus service nearby.
- The development, if approved, would build amenities and provide jobs and in his view this type of proposal should be supported by the Committee.

There were no questions raised by Members.

Member Questions to Officers

Councillor Chopping referred back to comments concerning the sequential test and that the applicant had been informed that this did not need to be carried out. The figures under section 5.3 of the report came to just under 800 square metres, which was less than half of the figure (1640m²) calculated by the Planning Officer upon making their conclusion that it was a major development.

Mr Butler confirmed that he was the Officer that emailed the applicant on the 3rd December 2018 saying that a sequential test was not required. NPPF paragraph 88 stated that a sequential test did not need to be applied to a small scale rural development up to 1000m² however the total gross of the proposal was 1640m². There would be a net increase of 686m² which meant that the development would be classed as minor. However, Mr Butler added that it was not just floor space that had to be taken into consideration but the intensity of the use proposed and this point had led to him changing his mind regarding the requirement for a sequential test.

Mr Butler commented that it was possible that if refused the decision could be appealed against and he stated that he would be happy to defend the decision if necessary based on the second reason for refusal. He felt that the development was major when considered in a rural context.

Councillor Chopping queried the figures in section 5.3, where floor space totalled just under 800m² however, under section 6.1.4 of the report the total floor space was detailed at 1640m². Councillor Chopping expected that the difference in figures was because there was no figure attributable to guest accommodation (14 rooms) in section 5.3.

Councillor Chopping noted that the site was an old farmyard and queried if could be used again as this in the future. David Pearson confirmed that the site could revert to agricultural use in the future without planning permission.

Councillor Webster noted that paragraph 82 of the NPPF included other industries besides those noted in the report. Mr Butler confirmed that the NPPF also set out that development should only take place in suitable sustainable locations.

Councillor Metcalfe referred to highways issues. He stated that the site was not in the AONB and therefore could potentially be used for housing. He added that in relation to Rosebourne a number of issues had been raised regarding how the Wasing Estate was different including access and that Rosebourne had a car park that would cater for 200 cars. Councillor Metcalfe noted that the road from Wasing Estate from the farm shop was a large two width road and therefore he could not understand why there was concern regarding this aspect. When exiting the site at the site visit he had noted that there was

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no visibility splay due to the barn and he asked for the Highways Officer to comment on this point.

Gareth Dowding confirmed that the A340 from Rosebourne was a two carriageway road however, there was no footpath once past Aldermaston School and therefore it could not be considered sustainable for anything other than vehicles. Regarding cyclists, there would be nowhere where they could safely stop. Regarding the visibility splay, Mr Dowding was unable to comment as he had not looked at the site in that level of depth at this stage, but if the application was approved then recommendations would have to be included which would set out the required sight lines.

Councillor Bridgman referred to the matter of the sequential test. He noted that different parts of the operation could not be located elsewhere because they were integral to the wedding business. David Pearson noted comments that the uses proposed would supplement the wedding business however, there was nothing to say that this would remain the case. It was not good practise not to carry out a sequential test and if the applicant had wished to undertake a test then more time would have been granted. If Members had doubts regarding whether a sequential test needed to be applied then one option would be to defer the application.

Councillor Bridgman referred to the first reason for refusal which included increased traffic and the lack of pedestrian or bus routes. He noted that the point made on behalf of the applicant was that the proposal would go some way in reducing traffic as visitors would not have to travel so far to access other services.

Councillor Bridgman noted that there was the yoga centre, restaurant and other outlets that could be sold onto third parties at any time as they would have nothing to do with Wasing Estate. As all the businesses would operate differently, in his view traffic levels would increase.

Councillor Webster asked if the Highways Officer's concerns went beyond unacceptable and Gareth Dowding stated that this was difficult to confirm as he did not personally assess the site. It was important to note that there would be 30 full time equivalent posts and therefore could be made up of part time staff resulting in further traffic movements.

David Pearson referred to the points made by the Ward Member concerning diversification and stated that rural diversification in the countryside was never straight forward. The NPPF stated that the three strands of sustainability should be considered including Social, Economic and Environmental issues. The intensity of the application then had to be assessed. The response regarding the sequential test, in Officers' view, was not acceptable. Members needed to consider all areas of sustainability when deciding whether to approve the application.

Debate

Councillor Alan Law acknowledged points that had been raised regarding rural and farm diversity. At the site visit Members had been concerned regarding the height of the Dutch barn and Councillor Law stated that he had left the site with a feeling of overdevelopment. The applicant had stated that aspects of the site were required to support the wedding business and other aspects were completely separate but were required to support the viability of the site. Councillor Law was of the view that many visitors would access the site from the A4. Councillor Law had needed to stop twice when travelling to the site visit due to oncoming vehicles and there not being enough space for them to pass. He agreed that the site required development however, it needed to be more sympathetic to the local area. Therefore Councillor Law proposed that Members support the Officer's recommendation to refuse planning permission. Councillor Quentin Webb seconded the proposal by Councillor Law.

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Councillor Emma Webster stated that the applicant needed to be mindful that if they were seeking rural diversification, the nature of the wedding business meant that guests would only visit once. The restaurant on the other hand would be visited more frequently and repeat business was being relied upon there would therefore be reliance on visitors returning.

Councillor Webster stated that section 84 of the NPPF supported development that encouraged strong competitive communities as long as the impact was not unacceptably high. Councillor Webster recalled that Mr Dowding had not stated that the impact on the highway was unacceptable. Councillor Webster was concerned that if local areas were not supported then local facilities would close. Councillor Webster had given a lot of thought to the economic issues relating to the development and she felt that the overbearing aspect would have been included within the reasons for refusal if it was at a level that was not acceptable.

Councillor Marigold Jaques noted that the site was a brownfield site within the countryside and therefore required some kind of development. Councillor Jaques was of the view that the proposal was perhaps too diverse for the site and location and she was concerned about the increase in traffic that would be caused. Councillor Jaques expressed that she would support development of the site, but it would need to be a proposal that was more sympathetic to the local area.

Councillor Crumly was of the view that there was no issue with the access to the site. The site had once been a working farm and could now be classed as a bit of a 'dump'. He felt that the application was credible and did not think that the traffic issue was a reason to refuse the application. Councillor Crumly therefore stated that he was in support of the application.

Councillor Webb stated that he supported the points that had been raised by Councillor Law and he felt that the proposal was overdevelopment of the site. The proposal would include another large barn being built alongside the existing barn and listed building. He did not feel that the area was easy to access.

Councillor Webster noted the reference to overdevelopment of the site and asked Planning Officers if the application was refused on this reason, if the decision would stand at appeal. David Pearson stated that if Members were minded to refuse the application because they felt it would cause overdevelopment then he was confident that a case could be put together on this point. Councillor Webster was concerned that the issue of overdevelopment was not mentioned in the report and Mr Pearson commented that he did not view this as an issue. Members had sought advice and were free to form their own opinions regarding the application.

Councillor Chopping stated that the buildings were already on the site and the proposal would put them to use. He did not agree with the point about the sequential test or the points raised by the Highways Officer as he had never had an issue with the roads in question. He was however, inclined to agree with comments made by Members regarding overdevelopment of the site and would rather see an application smaller in scale that would be of benefit to the site and local community.

Councillor Tim Metcalfe stated that he believed in rural economy and diversification and the proposal included the development of what was a brownfield site. In light of concerns raised by Members concerning the overdevelopment of the site Councillor Metcalfe asked if the applicant could be provided with the opportunity to withdraw their application rather than it be refused.

Councillor Law reminded the Committee that he had formed a proposal that had been seconded by Councillor Webb.

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David Pearson advised that that if the applicant was minded to withdraw and an email was received to this effect before a formal resolution had been formed then this would have to be accepted.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Law and seconded by Councillor Webb to refuse planning permission.

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

1. The proposal will increase traffic in a rural location that has no pedestrian or bus routes and is linked by rural roads where at times cycling can be difficult. The location of the site will increase traffic where the mode of travel can only be the private car. The proposal is therefore unsustainable and is therefore contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and the National Planning Policy Framework 2018. It is also contrary to the advice in the LTP2 of 2011 to 2026 for West Berkshire. It is accordingly unacceptable.
2. The applicant has failed to satisfy the Local Planning Authority that the proposed town centre uses of retail and leisure in this location is acceptable under the remit of the sequential test, as set out in the NPPF and the advice in policy CS11 in the WBCS of 2006 to 2026. Accordingly the application is unacceptable given the onus is on the applicant to demonstrate this test, as set out in para 90 of the NPPF.
3. The application site comprises a small group of redundant agricultural buildings in a quiet rural location outside any defined settlement boundary. Low key commercial uses currently occupy the site. These have little impact on the present tranquil nature of the locality. The Council is concerned that the development, with the greater range and mix of more intensive commercial uses, will create activity over a much wider period into the evenings and weekends, so resulting in an unacceptable increase in both built form and activity on the site, which will comprise an overdevelopment of the application site, having regard to the scale, massing and nature of the proposed new Dutch Barn with associated remodelling of the other buildings and redevelopment noted. Given the tranquil rural nature of the surrounding area, it is considered that the nature and intensity of the proposed commercial uses will cause harm to the vicinity, which is considered to be clearly contrary to policies ADPP1, [4th paragraph] policy ADPP6 - environment – bullet point 2, and policy CS19 in the WBCS of 2006 to 2026. It is accordingly unacceptable.

63. Application No. & Parish: 18/03367/FUL - Manderley, School Lane, Frilsham, Thatcham

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/03367 in respect of outdoor riding arena.

David Pearson introduced the report to Members of the Committee, which recommended conditional approval, and ran through the key points. Mr Pearson highlighted that an objection to the application had been received from a consultant from the North Wessex Downs AONB. Officers' felt that previous concerns about the application had been rectified and therefore were proposing conditional approval;

In accordance with the Council's Constitution, Simon Dimick and Trevor Furse, applicant/agent, addressed the Committee on this application.

Agent Representation

Mr Simon Dimick in addressing the Committee raised the following points:

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- The application was for a private equestrian arena for training and exercising of his client's horses.
- The manège would be within the garden area of Manderley.
- Frilsham Parish Council had no objection to the application if approval was given as long as use was restricted to private use only and there was no external lighting.
- There was no other reason for the manège apart from his client's passion for riding and taking part in competitions. His client's children also shared a passion for riding and therefore the arena would provide a safe environment for them to ride in.
- 17 objections to the application had been received and Mr Dimick highlighted that these were largely anonymous. Immediate neighbours had no objection to the proposal.
- Objections suggested that Mr Dimick could use equestrian facilities elsewhere however, the roads close to the site were not suitable for riding on. Adjacent fields were also not suitable for riding in as they were particularly boggy in the winter and often froze.
- The manège would be used for dressage purposes and there was not a local arena close by available for hire and therefore a long journey would be required.
- In 2016 a proposal had been submitted that put a stable block in the adjoining field however, objections had been raised to this and therefore the stables had been erected in the garden area. A previous application to place the manège in line with the road had been criticised and therefore the current proposal would place the manège in the same vicinity as the stable block.

Member Questions to Agent

Councillor Richard Crumly referred to the comments from the AONB, which implied that approval of the application would lead to urbanisation of the site and asked Mr Dimick for his thoughts on this. Mr Dimick was of the view that comments from the AONB Consultant illustrated that they did not fully understand the application. The manège was a structure, however, it in no way urbanised the area in his view.

Ward Member Representation

Councillor Quentin Webb in addressing the Committee raised the following points:

- The application under consideration had been discussed on numerous occasions in the past and the current application proposed the manège be brought into the garden area rather than in an open field.
- Councillor Webb was of the view that the comments from the AONB were overstated.
- Councillor Webb did not feel that there were significant enough reasons to refuse the application.

Councillor Graham Pask in addressing the Committee raised the following points:

- He referred to the site history and noted that the current application was the third application by the applicants for a manège.
- The site was within a beautiful location in the AONB. He commented that the manège would not require engineering works.

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- Councillor Pask commented that all aspects needed to be taken into consideration. He stated his surprise at reading the comments submitted by the AONB.

Member Questions to Ward Members

Councillor Tim Metcalfe queried the absence of fencing around the arena and felt that this was required for safety. Councillor Pask highlighted that there was reference to a fence at the far edge of the arena. Mr Pearson clarified that this was where the ground dropped away.

Councillor Graham Bridgman noted within the objections to the application that reference had been made to particular planning policies and he could not find reference to these policies in the Planning Officer's report. He requested that if policies were referred to through objections then the relevance of these policies needed to be highlighted in the report.

Councillor Bridgman noted that section 5.8 referred to the loss of two apple trees and stated that unless the trees were subject to a Tree Preservation Order then they could be cut down by the applicant at any time. Councillor Bridgman also stated that fencing, in his view, came under Permitted Development Rights. Mr Pearson noted the comments raised by Councillor Bridgman in relation to the report.

Debate

Councillor Keith Chopping noted that the application had gained the support of Officers and neighbouring properties and he noted that none of the objectors had wished to speak at the Committee. Councillor Chopping also noted the number of agencies that had raised no objections to the proposal including SuDS, Highways and Natural England. Councillor Chopping proposed that Members approve the application in line with the Officer recommendation and Councillor Crumly seconded the proposal.

Councillor Emma Webster commented that the application was a testament of good listening and willingness to draw up revised plans that mitigated concerns. Councillor Webster commented that the application had gained supportive comments from the local community.

Councillor Alan Law stated that he also supported the application. The previous application had proposed that the manège be built in the paddock to the right of the garden area and he was surprised that this had been turned down.

Councillor Marigold Jaques referred to the comments from the AONB and highlighted that all the concerns raised had been covered by conditions.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Chopping that was seconded by Councillor Crumly, to approve planning permission.

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 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).

2. The development hereby permitted shall be carried out in accordance with plans, documents and material:

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- a) Proposed New Arena Site Location, reference FLA-MAN-LS-001 – received on 09/01/2019
- b) Proposed New Arena General Arrangement & Section Locations, reference FLA-MAN-LS-003 – received on 09/01/2019
- c) Proposed New Area General Arrangement Block Plan, reference FLA-MAN-LA-002 – received on 09/01/2019
- d) Proposed Arena General Arrangement Indicative Section A-A, B-B & C-C, reference FLA-MAN-LS-004 – received on 09/01/2019
- e) Proposed New Arena Tree Survey & Protection Measure, reference FLA-MAN-LS-005 – received on 09/01/2019
- f) Tree Survey, Arboricultural Assessment and Method Statement Proposed Arena, Manderley, School Lane, Hermitage Rev D – received on 09/01/2019
- g) Letter reference SMD/CAL49/1 – received on 25/02/2019
- h) Landscape and Visual Assessment Proposed Arena, Manderley, School Lane, Rev B - Received on 21/12/2018
- i) Material Sample 'Riding Surface for Emanuela Morando' – received on 25/02/2019
- j) Planning Application Form Section 7 Materials – received on 09/01/2019

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

3. Irrespective of the Town and Country Planning (General Permitted Development) Order 2015 (or an order revoking and re-enacting that Order, with or without modification), the riding arena hereby approved shall not be illuminated at any time unless permission for the illumination has been granted in respect of a planning application.

Reason: In the interest of amenity and protection of the surrounding countryside. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

4. The riding arena hereby approved shall only be used for purposes incidental to the dwelling house known as Manderley. It shall not be used for any commercial equestrian purposes.

Reason: To ensure that the development is retained as a use incidental to the existing dwelling house Manderley, in the interests of highway safety and to protect the amenity of the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order, with or without modification), no fencing, other than the section of knee high rail fencing shown on the approved plans, shall be erected within the application site unless planning permission has been granted in respect of an application made for that purpose.

Reason: To protect the open plan character of the surrounding area and AONB. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

6. 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

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by the Local Planning Authority. The riding arena shall not be brought into use until the approved sustainable drainage measures have been implemented. Thereafter the sustainable drainage measures shall be permanently retained and maintained in accordance with approved details.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policy CS16 of the West Berkshire Core Strategy (2006-2026).

INFORMATIVES

DEC3 - Approval - Objections/Support received

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area

HI 3 Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

HI 4 Damage to the carriageway

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

64. Appeal Decisions relating to Eastern Area Planning

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

(The meeting commenced at 6.30 pm and closed at 9.25 pm)

CHAIRMAN

Date of Signature