

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 24 JULY 2019

Councillors Present: Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Claire Rowles), Jeff Cant, Carolyne Culver, Clive Hooker (Chairman), Andy Moore (Substitute) (In place of Tony Vickers), Garth Simpson (Substitute) (In place of Hilary Cole) and Howard Woollaston

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

Apologies for inability to attend the meeting: Councillor Hilary Cole, Councillor Claire Rowles and Councillor Tony Vickers

PART I

18. Minutes

The Minutes of the meeting held on 3 July 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Page 5, section 11 (1), first paragraph, second line: remove 'and prejudicial'

Page 14, paragraph 34: replace 'Back' with Beck'.

Page 22, paragraph 2: replace 'Ms Catherine Spenser' with 'Ms Claire Spencer'.

Page 22, paragraph 4: insert 'stated' after 'Mr Paul Goddard' and insert 'received any' before 'objections'.

Page 22, paragraph 5, 5th bullet: replace 'meters' with 'metres'.

Page 23, 8th bullet: replace 'synched' with 'synchronised'.

Page 24, paragraph 15: replace 'Spenser' with 'Spencer'.

19. Declarations of Interest

Councillors Adrian Abbs, Phil Barnett, Jeff Beck, Jeff Cent and Andy Moore declared an interest in Agenda Item 4 (1), but reported that, as their interests were a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

20. Schedule of Planning Applications

(1) Application No. and Parish: 18/02575/HOUSE - The Gardeners Cottage, Tydehams, Newbury

(Councillors Phil Barnett, Jeff Beck, Jeff Cant and Andy Moore declared a personal interest in Agenda Item 4 by virtue of the fact that they were members of Newbury Town Council Planning and Highways Committee. Councillor Moore was also personally acquainted with two of the objectors. Councillor Adrian Abbs declared a personal interest by virtue of the fact he was the Ward Member. As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

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1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/02575/HOUSE in respect of the demolition of existing outbuildings and garage, new extension linking to house comprising double garage, store and family room with bedrooms above and attic den at the Gardeners Cottage, Tydehams, Newbury.
2. In accordance with the Council's Constitution, Councillor Gary Norman, Parish Council representative, Mr Paul Donald and Mr Francis Clayton, objectors, and Mr Arnold, applicant, addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. He suggested that to mitigate residents' concerns, Members, if minded to approve the application, could consider applying conditions on hours of work and landscaping. Officers recommended the Committee grant planning permission.
4. Councillor Norman in addressing the Committee raised the following points:
 - He was Vice-Chairman of Newbury Town Council's Planning and Highways Committee and was a Member for Wash Common, where the site was located. He was not a member of the Committee at the time the application was discussed.
 - The size of the extension had been reduced since the application was considered however this and other changes made had not effected Newbury Town Council's objection.
 - It was disappointing that neighbours had not been able to have input into the design.
 - Councillor Phil Barnett asked whether Councillor Norman was aware that Newbury Town Council's view of Tydehams was that it was an area which benefitted from large houses and large gardens. Councillor Norman stated he was aware that the Heritage Working Group sought to list some of the properties in that area.
5. Mr Donald and Mr Clayton in addressing the Committee raised the following points:
 - It was disappointing that the officers recommendation had been made to the Committee before the site visit.
 - The applicant's ambition for the extension could be achieved on a smaller scale.
 - Rendering would cause the property to look like an overwhelming mass.
 - Mr Donald had raised objections to the plans in October 2018 and no additional modifications had been made to the plans as a result. Newbury Town Council unanimously objected to the application.
 - The proposal conflicted with the Council's Supplementary Planning Guidance: House Extensions 2004. It would not be subservient to the main property and would cause overshadowing.
 - It would not enhance the appearance of the area.
 - The application should be rejected, or at least deferred so the applicant could agree a design with neighbours.
6. Councillor Jeff Beck sought to clarify that officers had made a recommendation but a decision had not been made at the time of the site visit.

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7. Councillor Jeff Cant questioned whether there had been no consultation by the applicant with the neighbours. Mr Donald advised that the last time he had spoken to the applicant was in October 2018.
8. Derek Carnegie stated that Mrs Hannah Donald, who had registered to speak as a supporter of the application, had not been able to attend the Committee at short notice. The Chairman permitted Derek Carnegie to read a short letter which raised the following points:
 - She lived opposite the plot and her extension had been approved.
 - The proposal was in keeping with the road and not too large.
 - Eight other properties in Tydehams were rendered.
9. Mr Arnold in addressing the Committee raised the following points:
 - The proposed extension had been reduced in size by 30% to the original proposal.
 - There was no intention to use the extension as anything other than an integral part of the family home.
 - No windows would overlook the neighbouring property.
 - Mr Arnold had been under the impression that Mr Donald had no objection to the application until it was submitted.
 - There would be no loss of light or overshadowing to his immediate neighbour's property.
 - There was a strong precedent for render in the area.
 - The design was in accordance with local and national policies.
 - The total footprint of the house would be around 5973 ft² on a plot of around an acre; his immediate neighbour's house was over 8000 ft² on the same size plot.
10. Councillor Howard Woollaston asked if consideration had been given to locating the extension on the other side of the house. Mr Arnold advised that it would not work with the layout of the house.
11. Councillor Adrian Abbs asked for confirmation that there would be no overlooking from the dormer window. Mr Arnold confirmed that it was not intended and was only there to provide light.
12. Councillor Garth Simpson questioned why the roof had not been sloped down to single storey to moderate the impact. Mr Arnold advised that the purpose of the extension was to provide his children with bedrooms which could accommodate desks.
13. Councillors Abbs in addressing the Committee raised the following points:
 - He was Ward Member for Wash Common and knew the area well. Most extensions in the area were a dormer style on the second floor.
 - Only two properties in Tydehams were completely rendered.
 - Common themes in the objections were around intrusion, style and size.
 - He questioned why an 'attic den' needed a window.
 - The wood burner on the wall nearest Brockwell House could cause a nuisance.
 - There was no objection in principle to an extension.

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- The applicant should withdraw the application and take the comments raised at the Committee into account.
- 14. Turning to questions to officers, Councillor Andy Moore sought clarification on whether the footprint of the building would be 310m² in total or if this was the increased footprint. Derek Carnegie stated it would be the total footprint.
- 15. Councillor Beck stated that he supported the suggestion that conditions for hours of work and landscaping be included, should the Committee be minded to approve the application. He also suggested that a condition for officers to approve the colour of the render should be included.
- 16. Councillor Carlyne Culver asked how many properties in Tydehams were rendered as the Committee had heard different figures. Derek Carnegie advised that he did not have that information and stated that a variety of materials were used in the area. In the main, properties were screened by mature foliage. It was difficult to match brick and the render would give continuity between the house and extension. Brick could be painted without consent whereas the inclusion of a condition on materials would afford the Committee more control.
- 17. Councillor Abbs stated that fewer than ten properties were rendered and he asked for a view on how those properties related to their neighbours and if the extension should be stepped down. Derek Carnegie stated that it was a matter of subjective judgement and there were no hard and fast rules; planners had to find a balance taking into account local and national planning policies.
- 18. Councillor Woollaston enquired whether the Committee could request that the extension had plant growing up the wall. Derek Carnegie advised that this would be a matter for the landscaping officer when discharging the condition, if the Committee were minded to approve the application. It should also be noted that there was foliage in the control of the immediate neighbours to allow for further screening.
- 19. Councillor Abbs asked how certain officers were with the recommendation to approve. Derek Carnegie stated he had no doubt that a Planning Inspector would allow the application if it was brought to appeal.
- 20. Councillor Culver questioned paragraph 7.28 of the report which suggested that bats would be relocated if found and stated that any bats found on site should be left alone. Derek Carnegie advised that a trained ecologist would handle the matter. Councillor Culver further asked about hedges and Derek Carnegie confirmed that a landscape condition and the tree officer would ensure sufficient oversight.
- 21. Councillor Abbs asked whether windows on the southern elevation would overlook the garden of Brockwell House. Derek Carnegie stated that he did not think there would be an adverse impact.
- 22. Councillor Culver asked that a CIEEM certified ecologist was employed to inspect the hedges.
- 23. Councillor Moore asked whether the Committee could apply a condition to ensure that the hedge height between the two properties was maintained. Derek Carnegie advised that this could be looked into but he doubted that any residents would wish to reduce their own privacy.
- 24. In commencing the debate, Councillor Simpson expressed the view that Tydehams could be described as a semi-rural development of low density housing in large plots. Houses were of various styles and extensions were usually subservient and single storey. It was hard to reconcile that description with the

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extension proposed at Gardener's Cottage. The Supplementary Planning Guidance: House Extensions 2004 was the most frequently referred to document at the Committee which in his view had an urban bias; a 4.5m gap between gable ends was more appropriate in an urban setting. The extension would cause a terracing effect when viewed from the lane to the south east of the property and he agreed that deferral may be necessary to reconcile the weaknesses of the application.

25. Councillor Barnett agreed with a number of Councillor Simpson's comments regarding the more rural nature of the estate, renowned for large houses. He recalled that some of the large gardens had been sold and now formed Heather Gardens, off Monks Lane. The very large plots were capable of accommodating extensions which would be obscured by vegetation. He felt uncomfortable about the size proposed but considered the application acceptable and difficult to defend at an appeal. He would support deferment but would not vote against the officers recommendation.
26. Councillor Clive Hooker suggested that the Committee should not entertain the idea of deferring the application and should make a determination.
27. Councillor Abbs expressed the view that further consultation was required between the applicant and neighbours. He would have no choice but to go against the officers recommendation as he felt a better solution was available.
28. Councillor Cant advised that he had not heard an argument which offered a strong basis to refuse the application. The Council could be liable for costs at any appeal and although he understood the reservations, he would vote in favour of the application and avoid wasting taxpayers money defending an appeal.
29. Councillor Beck proposed that the Committee accept officers' recommendation and grant planning permission, including the additional conditions discussed by the Committee. The proposal was seconded by Councillor Cant.
30. Councillor Culver asked whether the Council would be setting a precedent if it did not ensure that the extension was subservient. Derek Carnegie advised that all applications were considered on their merits and the case officer felt that it met all policy considerations.
31. Councillor Woollaston stated that he would support the application although he felt it could be designed better.
32. The Chairman invited the Committee to vote on the proposal by Councillor Beck as seconded by Councillor Cant which at the vote was carried.

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

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 the approved drawings 2018-212-002F titled proposed block plan and proposed plans and elevations received on 15 November 2018 and the GS Ecology bat survey report ref ECO2301 received on 20 June 2019.

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

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3. No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the extension hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character in accordance with the National Planning Policy Framework 2019, Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document Quality Design 2006, and Supplementary Planning Guidance House Extensions 2004.

4. No development shall commence until a bat box (Schwegler 2f or similar) has been installed on a suitable tree onsite by a licensed ecologist. The bat box will be used to receive any bats captured during the works to the building and shall remain on site for 5 years.

Reason: To provide biodiversity enhancements in accordance with policy CS17 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2019.

5. No development above foundations of the extension hereby permitted shall take place until a detailed scheme of landscaping to the side boundary of the site (alongside the property known as Brockwell House) has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) Completion of the approved landscaping scheme within the first planting season following completion of the extension hereby permission or in accordance with a programme submitted to and approved in writing by the Local Planning Authority as part of the details submitted for this condition.

b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and in the interest of amenity in accordance with the National Planning Policy Framework 2019, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document Quality Design 2006.

6. No demolition or construction work shall take place outside the following hours:

Monday to Friday 07:30 to 18:00;

Saturday 08:30 to 13:00;

nor at anytime on Sundays or Bank holidays.

Reason: To safeguard the amenities of adjoining occupiers in accordance with the National Planning Policy Framework 2019, policy CS14 of the West Berkshire Core Strategy 2006-2026, policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

7. The roof light in the east elevation of the extension shall be fitted with obscure glass before the extension hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: In the interests of the privacy and amenity of neighbouring property in accordance with the National Planning Policy Framework 2019, Policy CS14 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design 2006.

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The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.
3. 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.
4. 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 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
5. Tree protection precautions informative note:
 - To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees.
 - In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
 - Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil.
 - To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
 - If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold

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boards to prevent compaction of the soil and roots. This could be underlain by a non-permeable membrane to prevent lime based products / chemicals entering the soil

- If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.

- If lime based products are to be used for strip foundations then any roots found should be protected by a non-permeable membrane prior to the laying of concrete.

DC

(The meeting commenced at 6.30 pm and closed at 7.45 pm)

CHAIRMAN

Date of Signature