

# 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, 27 NOVEMBER 2019

**Councillors Present:** Adrian Abbs, Phil Barnett, Hilary Cole, Carolyne Culver, Claire Rowles, Garth Simpson (Substitute) (In place of Jeff Cant), Tony Vickers (Vice-Chairman) and Howard Woollaston

**Also Present:** Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer (Information Management)), Paul Goddard (Team Leader - Highways Development Control), Shiraz Sheikh (Principal Solicitor) and Simon Till (Principal Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Jeff Cant

#### PART I

#### 31. Minutes

The Minutes of the meeting held on 6 November 2019 were approved as a true and correct record and signed by the Chairman, with the exception of the corrections below:-

Page 5: Councillor Adrian Abbs was present at the meeting.

Page 23, Point 28, Line 6 and Page 52, Point 36, Line 3: clarification required regarding the number of additional bat roosting boxes required.

Page 29, Point 45, 2<sup>nd</sup> paragraph: Occupation of the 50<sup>th</sup> dwelling was too long.

Page 34, Point 1, Line 1: The number of affordable housing units is not given.

Page 35: Paragraph 9 Line 1: Clarification required regarding the number of affordable housing units as it stated here that there were six and later in the report that there were eight units.

#### 32. Declarations of Interest

Councillors Adrian Abbs, Claire Rowles and Howard Woolaston declared an interest in Agenda Item 4(1), but reported that, as their interest was 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.

Councillors Adrian Abbs, Phil Barnett, Hilary Cole, Claire Rowles and Howard Wollaston had been lobbied in relation to item 4(1).

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

#### 33. Schedule of Planning Applications

- (1) **Application No. and Parish: 19/01406/RESMAJ - Hungerford Town Council**

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*(Councillors Adrian Abbs, Phil Barnett, Hilary Cole, Clive Hooker, Claire Rowles and Howard Woollaston declared a personal interest in Agenda Item 4(1) by virtue of the fact that they had been lobbied on the item. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that a member of his staff lived near the application site. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Claire Rowles declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was a Ward Member in Hungerford. 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.)*

*(Councillor Howard Woollaston declared a personal interest in Agenda Item 4(1) by virtue of the fact that he knew the Chairman of Wates. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/01406/RESMAJ in respect of approval of a reserved matters application following outline permission for up to 100 dwellings, public open space and landscaping, with all matters reserved except for the access to the A338.
2. In accordance with the Council's Constitution, Denise Gaines, Town Council representative, Helen Simpson, objector, Geoff Wilde and Sara Duffield, agent and Councillors Dennis Benneyworth and James Cole, Ward Members, addressed the Committee on this application.
3. Simon Till, the Case Officer introduced the report to Members, which had been called in because more than ten letters of objection had been received and because of a call-in from the Ward Members. The report took account of all the relevant policy considerations and other material considerations and in conclusion it detailed that the proposal was acceptable and a conditional approval was justifiable. However Simon Till drew the Committee's attention to the Update Report which included some additional consultation responses and provided a number of corrections to information in the Case Officer's report. Simon Till also noted that there was an error in the Update Sheet at Point 10 which stated the approved landscaping plan dwelling number was rev C and it should have been rev D.
4. Paul Goddard stated that Highways officers were happy with the site layout under consideration and his only comment was that there were no electric vehicle charging points and this requirement should be included in the conditions.
5. Denise Gaines in addressing the Committee raised the following points:
  - Hungerford Town Council had objected to the application from the beginning.
  - The outline planning application had been approved in 2016 despite being outside the town boundary and in an Area of Outstanding Natural Beauty (AONB).
  - An Environmental Impact Assessment had not been undertaken.
  - As the application was now at the reserved matters stage, it was important that the committee was confident the application reflected the beauty of the AONB and did not conflict with the character of the town.

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- Various aspects of the National Planning Policy Framework (NPPF) were out of kilter with the climate change agenda and it was vital to urge developers to take action.
  - The developer had been asked to include some carbon reducing measures in the application but had refused.
  - The 40% affordable housing, which was pepper potted on the development, was welcome but the mix of dwellings was not in accordance with the Council's Housing Policy as one and two bed affordable housing units were required to meet local demand.
  - There were no one and two bed dwellings for private sale, although there were a considerable number of five bed properties for private sale.
  - It was in the wrong place and the Committee was urged to refuse the application.
6. Councillor Tony Vickers noted that Ms Gaines had referred to it as a gateway site to Hungerford and yet he noted it was well screened and not very visible to road users. Denise Gaines agreed that it was well screened but the tops of the houses would be visible half a mile away from the town.
  7. Councillor Phil Barnett asked if, although Hungerford Town Council (HTC) had been against the application from the start, whether Ms Gaines' comments meant HTC would have changed its mind if the developer had made the changes they had requested. Ms Gaines replied that HTC would not have changed its mind as the application site was at the gateway to Hungerford and in the AONB.
  8. Councillor Carlyne Culver enquired whether HTC was drafting a Neighbourhood Development Plan and if they had undertaken any research into the area's housing needs. Ms Gaines confirmed that they were and they had commissioned a report, the outcome of which was very similar to the West Berkshire Council (WBC) Housing Policy.
  9. Councillor Adrian Abbs asked how much effort they had put into trying to encourage the developer to take environmental issues into account and Ms Gaines responded that this had been raised at every opportunity. However, even though it was recorded in the minutes of all their meetings with the developer, she was aware that there was no requirement on the developer to take it into account and this was probably due to the cost.
  10. Councillor Hilary Cole drew attention to the fact that the site was adopted in 2016, which was long before HTC had begun preparation of its Neighbourhood Development Plan. Ms Gaines confirmed that she was aware of this.
  11. Councillor Hilary Cole noted that she was aware HTC had held a number of discussions with the developer regarding the layout of the site and a number of changes had been made irrespective of the climate change issues. She therefore asked if HTC was happier with the revised layout and Ms Gaines confirmed that it was.
  12. Helen Simpson in addressing the Committee raised the following points:
    - She was speaking as an independent objector in order to read a statement from Tim and Penny Bevan.
    - They resided at 44 Kennedy Meadow and had attended numerous planning meetings and addressed the Planning Inspector when the site was first selected.

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- Any development of the site would have a direct bearing on their property and their neighbours.
  - A recent letter from the developer stated that open spaces in the north-west of the site would provide a greater area of separation and protect the amenity of residents of Kennedy Meadow. However, this was not true as the plan clearly showed a five bedroomed house (Number 8 on the plan) backed up against their garden, with a garage against Number 45 and another house immediately behind it.
  - Number 8 was the closest to the northern boundary of the development, which would be ten paces from their boundary and a further 25 paces from their house.
  - There was no tree line on the boundary of 43 and 44 Kennedy Meadow and the tree line would be very thin at Number 45 and they had been told there would be a buffer of mature trees between the new houses and their boundary. Consequently any buildings in this position would block light and remove their privacy.
  - The dwellings backing on to 43, 44 and 45 Kennedy Meadow could easily be re-sited elsewhere, for example south of De Montfort Grove and Priory Road where the tree and shrub line was up to 10 metres deep, or in the open space on the southern boundary.
  - These comments were supported by their neighbours, Vicky Nash and Bob Hammond
13. Councillor Vickers asked if the objections would be overcome if the tree screening was limited to a certain height so that it did not block out the light or the view. Ms Simpson replied that the residents would like the two large houses moved elsewhere.
14. Geoff Wilde (Bewley Homes) and Sara Duffield (Turley) in addressing the Committee raised the following points:
- Mr Wilde was a Senior Manager at Bewley Homes and this would be their 16<sup>th</sup> development in the borough.
  - Bewley Homes strove to build better quality homes and the design for this application followed extensive engagement with WBC officers, HTC and neighbours of the site, which had led to it being completely reshaped.
  - Ms Duffield acknowledged the development was within an AONB but pointed out that they had complied with Policy HSA18, which set out a number of criteria including the retention of views into the site.
  - Policy HSA18 also required that the materials used must be high quality and this would be controlled by the conditions.
  - The dwellings had been designed specifically for the site and were of a design not used in any of their other developments.
  - They were aware of the impact of the development on the local amenity and great care had been taken with the layout to ensure there was no overlooking, with the landscape buffer providing further protection.
  - Bewley Homes operated a Fabric First approach, which took account of the environmental issues.
  - Electric car charging points would be provided on the development.

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- Bewley Homes cared about the legacy of the development, which included a good mix of housing.
  - They welcomed the Case Officer's report and hoped the application would be approved.
15. Councillor Vickers commented that the housing mix was not satisfactory with regard to the lack of smaller homes and asked why they had not taken account of the comments from the Housing Service.
  16. Mr Wilde advised that they had discussed the application with the Housing Service, who had been supportive of it, as it was not possible to prejudice the AONB with blocks of flats. The scheme provided three, four and five bed properties, which both local and national policy showed were required in rural areas, with a prioritisation towards two and three bed properties in more urban areas. Therefore, the scheme provided a good mix and was proportionate to the local need.
  17. Ms Duffield added that the housing tenure mix had been agreed at the outline planning stage and was set out in the S106 agreement.
  18. Councillor Claire Rowles noted that with the lack of a national climate change policy it was crucial that developers played their part and she asked why Bewley Homes had not taken up any of HTC's recommendations.
  19. Mr Wilde replied that having solar panels and other external environmentally friendly mechanisms bolted onto homes could be unsightly and they preferred to operate a Fabric First approach, which they believed provided a more sustainable development.
  20. Councillor Rowles enquired where the trees would be placed. Mr Wilde advised that they would be planted in accordance with the planting schedule as agreed with the Tree Officer, so it was not yet possible to give their exact location.
  21. Councillor Rowles further enquired whether it would be possible to relocate the two houses located at the back of 44 and 45 Kennedy Meadow. Mr Wilde responded that this would not be possible as they had worked hard with all the parties to change the layout to take account of the issues that had been raised and the layout now provided the best possible opportunity for moving forward.
  22. Councillor Rowles asked if the measurements on the plans ran from the dwellings or the boundary and Mr Wilde confirmed it ran from dwelling to dwelling.
  23. Councillor Hilary Cole enquired whether Bewley Homes built to Code 3 and Mr Wilde replied that they exceeded it. Councillor Cole then pointed out that WBC had been expecting developers to build to Code 6 by 2016 but the standard had been abolished in 2014. Consequently she asked how they were building better homes for the future if they were not future-proofing them.
  24. Mr Wilde explained that they operated the Fabric First approach because it would not burden residents with any future costs and this approach included other sustainable measures such as drainage systems. They would also be planting 543 trees in conjunction with the WBC Tree Officer, which would enhance the sustainability of the development.
  25. Councillor Hilary Cole further enquired whether the properties would have triple glazing and was advised that they would not.
  26. Councillor Howard Woollaston expressed concern about the road shown on the plans leading to the south of the development as in his view, it appeared to be included to enable the development to be extended at a later date. Mr Wilde

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assured him that this was not the case and the road had been included in order to fulfil the requirement to retain views into the development.

27. Councillor Garth Simpson asked why there were so many four bed houses on the development as there was a need for one and two bed properties for young people and to enable older people to downsize. Mr Wilde responded that there was a need for three, four and five bed properties and the variation in the design of the four bed properties would provide future proofing for growing families.
28. Councillor Culver noted that on Page 75 of the Case Officer's report it said that the information on sustainable drainage had not been received and she asked if this was required before a decision was made on the application. Ms Dutfield assured her that the information had already been provided to the Council.
29. Councillors James Cole and Dennis Benneyworth in addressing the Committee raised the following points:
  - Councillor Benneyworth declared an interest in the application as he lived at Kennedy Meadow and had served two terms on Hungerford Town Council (HTC).
  - HTC did not believe that the housing mix fitted with the analysis of housing need but the amended layout was an improvement on the last one.
  - Councillor Benneyworth appreciated that the retention of a view was not a planning matter but as light was, he felt that efforts should be made to move the properties adjacent to 44 and 45 Kennedy Meadow.
  - Councillor James Cole stated that he did not believe the design of the development was good enough and Bewley Homes had produced a better design elsewhere.
  - They were often told that common green areas within a development were not material considerations but they were important in this application as it was within an AONB.
  - Any trees that were planted would need to be maintained and he asked who would be meeting this cost since the development included 40% affordable housing units.
  - Councillor James Cole noted that in the absence of a national Climate Change policy, Bewley Homes had made little effort to include sustainable measures in the development. He therefore felt that solar tiles or slates should be considered at this stage as it would be better commercially for the development to take account of environmentally friendly measures.
  - Councillor James Cole suggested that the Committee should allow the developer the option of a deferral in order to make these corrections to the design.
30. Councillor Vickers asked if they had considered the wording of a condition that would cover these issues and Councillor James Cole replied that they had not because whenever the matter had been raised they had been told it was not a planning matter. However it was not possible to plant the trees and just hope they would survive, as they would require maintenance from the start.
31. Councillor Rowles asked Councillor James Cole what response he had received when he had raised moving the houses adjacent to 44 and 45 Kennedy Meadow at the site meeting. Councillor James Cole replied that the applicants had said that

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- they had been told by officers that they would not allow it to happen and he felt that more discussion was required on this point.
32. Councillor Barnett referred to the Bewley Homes development in Tetbury that Councillor James Cole had mentioned and asked if they had looked at it to see how the design used there would benefit this development. Councillor James Cole replied that he had not seen it as the issue had only arisen after North Wessex Downs AONB had submitted their consultation response. This had mentioned that local materials had been used in the development and their belief was that this had been encouraged by Cotswolds AONB. Councillor Barnett added that he had driven past the development in Tetbury and it looked very similar to this one.
  33. Councillor Culver noted that the development exceeded the defined settlement boundary and she asked if this was of concern to them. Councillor James Cole responded that it did concern them but they had been told it was not up for discussion.
  34. Councillor Culver further noted that there were no bungalows included in the housing mix and asked if they could elaborate on the local housing need. Councillor Benneyworth replied that this point had already been covered by HTC.
  35. The Committee was then asked if they had any points requiring clarification and Councillor Vickers asked Paul Goddard whether the existing footpath link would be for cyclists as well as pedestrians. Paul Goddard replied that cyclists would not be permitted to use the footpath, as it was only suitable for pedestrians and cyclists would have to use the A338.
  36. Councillor Abbs asked if a condition could be included to prevent the properties from being extended. Derek Carnegie replied that, in his view, imposing such restrictions on this development would be unreasonable, in light of permitted development rights that were in place in other locations and the existing controls on such rights in the AONB.
  37. Councillor Woollaston enquired whether it would be possible to include a Section 106 agreement preventing the roads within the southern part of the site from being extended and he was advised by Derek Carnegie that this would not be justifiable.
  38. Councillor Rowles asked how high the trees would be adjacent to 44 Kennedy Meadow as the residents could end up facing a barrier of trees. Simon Till replied that the comments received from the various parties had suggested that a landscaping barrier would be the preferred option. The objections received from the residents at 44 Kennedy Meadow had been scrutinised extensively and it was the officers' view that the setback of landscaping would be sufficient to prevent any adverse impacts. The residents would be able to prune back any vegetation if it encroached onto their land. He would expect the new trees to be cropped at the ridgeline of the houses, which would not cause any significant overshadowing of the development due to the depth of its garden. The development was always going to alter the outlook of these properties but in his professional planner's opinion it would not be harmfully altered. Derek Carnegie added that the landscaping buffer would be provided by landscaping experts.
  39. Councillor Simpson noted that having seen the plans for the four and five bed houses he felt they were the sort of houses that would be extended. Derek Carnegie reiterated that it would be reasonable to remove Permitted Development Rights (PDR) and the Committee should bear in mind that the Government had just amended the legislation to enable two storey extensions to be built without the

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- requirement for separate planning permission elsewhere, which gave an indication of the national thinking on such matter.
40. Councillor Culver asked if the planners were concerned that by granting planning permission on a development that exceeded the settlement boundary, it would set a precedent and if the road south of the development would enable further development to take place. Simon Till replied that the precedent for allowing the specific amount of development outside of the settlement boundary as was proposed in this application had been set when outline planning permission had been granted. If this application was approved it would not automatically allow any further development outside of the settlement boundary without a further planning application and this was unlikely to occur under the current set of circumstances where no additional land had been allocated for development under the local plan. Simon Till further added that Policy HSA18 required views to be retained inside and outside the development site and if there was landscaping around the whole of the site with no gaps to allow inter-visibility, this would not be possible. Consequently the purpose of the landscaping was to soften the development and not to entirely screen it.
  41. Councillor Barnett enquired whether there were any proposals to draw the existing bus routes to the south of the town and Paul Goddard replied that there were not.
  42. Councillor Culver referred to a comment on page 74 of the Case Officer's report that stated if it was not possible for any affordable housing flats to be situated in a separate block, they should be located in a part of the block with its own core and entrance. Simon Till advised that these comments would have been made by the Housing Service in light of current guidance and there would have been valid reasons for it.
  43. Paul Goddard noted that a second access was always requested by the Council in schemes of this size for emergency vehicles.
  44. Councillor Vickers enquired about the gated area to the east of the site and Simon Till replied that it was a private gated area between two properties on the eastern boundary.
  45. Councillor Clive Hooker asked when the footpath to the school would be built and Simon Till advised that the removal of the footpath from the plans enabled the school to select an appropriate point along the boundary. Consequently, they were waiting for the school to make a decision on this with the land specifically required by condition to be kept available.
  46. Councillor Vickers asked if it was possible to introduce a condition stating that the houses near to the footpath link would not be occupied until the footpath had been resolved or alternatively to phase the development to ensure this occurred. The Chairman responded that this was outside of the remit of the Committee as it was down to the school.
  47. In considering the above application Councillor Rowles commented that she wanted to make the scheme work and there had been an improvement with the plans but she was still concerned about the environmental issues. However, although no national or local climate change policies currently existed, she felt the Committee should have pushed the developer on this and more should have been done to explore the impact on 44 and 45 Kennedy Meadow. Consequently she was in favour of a deferment of the application to enable these issues to be explored.
  48. Councillor Hilary Cole noted that although the Committee was unable to draft policy on the hoof, she thought the developer should put plans in place to mitigate the



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climate change issues and they could also provide funding to enable the Council to maintain the trees. However, it was necessary for the Committee to determine the application in front of it so it was not possible to move any houses. Furthermore, there were long gardens between the new and existing properties and she could not see how 44 and 45 Kennedy Meadow would be affected by loss of light. In addition, it was possible for the settlement boundaries to be reviewed at a later date, should development on further land south of the site be put forward. In respect of the current application, there was a requirement for the provision of more houses in West Berkshire, therefore she proposed that the application was approved.

49. Councillor Abbs said he was in general agreement with Councillor Hilary Cole and even though he felt further consideration was required of the environmental issues, he did not think it was possible to refuse the application.
50. Councillor Barnett agreed with the comments made by Councillor Hilary Cole as West Berkshire needed more houses and he acknowledged that no area was exempt from increasing its settlement boundaries, as other Parishes in the district had over time. Consequently, he would second the proposal.
51. Councillor Rowles stated that she just wanted to make sure the application was appropriate to the area and she was not wanting to draft policy on the hoof. However she did want to ensure the developer was held to account for the lack of proposals to address climate change.
52. Councillor Hilary Cole noted that in light of there being no national or local climate change policies, if the Committee refused the application on these grounds, the developer would go to appeal and the Council would lose. In addition, in respect of their objections, the North Wessex Downs AONB was not a statutory consultee and had expressed views that were a matter of professional opinion.
53. Councillor Vickers said he supported Councillor Hillary Cole but would like the informative to include reference to the footpath and did not want it to be seen that by granting planning permission the Council was condoning the way the developer had ignored climate change issues.
54. The Chairman invited the Committee to vote on the proposal of Councillor Hilary Cole as seconded by Councillor Barnett to grant planning permission. At the vote six Members voted in favour of the application, two voted against it and Councillor Abbs abstained.

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

### Conditions

1. Reserved matters

This permission relates solely to the reserved matters referred to in Condition 2 of the Outline Planning Permission granted on 30 November 2017 under application reference 16/03061/OUTMAJ. Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.

Reason: The reserved matters cannot be considered separately from the permission to which they relate and the conditions imposed on that outline permission are still applicable.

2. Approved drawings

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The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Drawing numbers 100 Rev D, 101-1 Rev D, 101-2 Rev D, 101-3 Rev D, 101-4 Rev D, 101-5 Rev D, 101-6 Rev D, 102, 106 Rev D, 54 Rev A, 55 Rev A, 58 Rev A, HT-Cr-01, HT-Cr-02, HT-Ri-01 Rev B, HT-Ri-02 Rev B, HT-Ri-03, HT-Ri-04, HT-Ri-05, HT-Ok-01 Rev B, HT-Ok-02 Rev B, HT-Gd-01 Rev B, HT-Gd-02 Rev B, HT-Lo-01 Rev B, HT-Lo-02 Rev B, HT-Lo-03 Rev B, HT-Lo-04, HT-Lo-05, HT-Lo-06, HT-St-01 Rev A, HT-St-02 Rev A, HT-St-03, HT-St-04, HT-Ma-01 Rev B, HT-Ma-02, HT-Ma-03 Rev B, HT-Ma-04 Rev B, HT-Ma-05, HT-Ma-06, HT-As-01 Rev B, HT-As-02 Rev B, HT-La-01 Rev B, HT-La-02, HT-La-03 Rev B, HT-La-04, HT-La-05, HT-La-06, HT-Su-01 Rev A, HT-Su-02 Rev A, HT-Bx3-A1-A2-01 Rev C, HT-Bx3-A1-A2-02 Rev C, HT-Bx3-A1-A2-03 Rev B, HT-Bx3-A1-A2-04 Rev B, HT-Bx3-A1-A2-05 Rev A, HT-Bx3-A1-A2-06 Rev A, HT-Bx3-A1-A2-07 Rev A, HT-Bx3-A1-A2-08 Rev A, HT-C1x2-01 Rev A, HT-C1x2-02, HT-C1x2-C2-01 Rev A, HT-C1x2-C2-02, HT-C1x2-C2-03 Rev A, HT-C1x2-C2-04, HT-C2x2-C1-01 Rev. A, HT-C2x2-C1-02, HT-Dx2-01 Rev A, HT-Dx2-02, HT-Ex2-01 Rev B, HT-Ex2-02 Rev A, HT-Ex3-01 Rev B, HT-Ex3-02 Rev A, HT-Ex3-C-01 Rev A, HT-Ex3-C-02 Rev A, HT-Ex3-C-03.

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

### 3. Approval of materials

No development of the dwellings hereby approved above ground level shall commence until samples of the external materials to be used in the dwelling have been made available to view on site and a schedule of external materials to be used in the dwellings has been submitted and approved under a formal discharge of conditions application. The external materials used in the development shall be in accordance with the approved samples and schedule.

Reason: The development is located within the North Wessex Downs AONB, an area of nationally significant landscape character. While the application is accompanied by details of materials these are not sufficient to ensure that the palette of materials is appropriate to the setting of the site in the AONB. Therefore further details of materials are required in order to ensure the preservation of visual amenity in this sensitive landscape in accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### 4. Provision of parking spaces

No dwelling shall be occupied until the vehicle parking and turning spaces for that dwelling have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking of private motor cars 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, 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).

### 5. Ecology surveys

No development, or other operations, shall take place within 5m of the northern boundary until Phase II surveys have been submitted for breeding birds, dormice and reptiles. Such surveys shall include recommendations for mitigation and improvement measures to address the impacts of development on these protected species, and a timetable for the

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implementation of those measures. Thereafter the development shall be carried out in accordance with the recommendations of the surveys and the approved timetable of mitigation and improvement measures.

Reason: In the interests of the protection and enhancement of biodiversity in accordance with the requirements of the National Planning Policy Framework and Policy CS17 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

### **6. Footpath provision**

Upon the provision of an access from the John O'Gaunt School site a footpath shall be provided to the south east of plot 95 in accordance with a plan to be submitted and approved in writing by the Council.

Reason: In the interests of high quality design and pedestrian permeability in accordance with the requirements of National Planning Policy Framework, Policy CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy HSA18 of the West Berkshire Site Allocations DPD (2017).

### **7. Open space provision**

No dwelling on the site shall be occupied until details of the provision and maintenance of all open space on the site has been submitted and approved in writing under a formal discharge of conditions application. Thereafter the open space on the site shall be provided and maintained in accordance with the approved details.

Reason: In order to ensure that the open space on the site is provided and maintained in the interests of visual amenity and the amenity of the residents of the development in accordance with the NPPF, Policy CS14 of the West Berkshire Local Plan Core Strategy (2012) and Policies RL1 and RL2 of the West Berkshire Local Plan Saved Policies (2007).

### **8. No separate disposal of open space**

No parts of the public open space and landscaped areas within the site shown on the approved drawings shall be taken into private gardens, or shall be sold or disposed of separately from any other part of the public open space on the site.

Reason: In order to ensure that the public open space and landscaped areas are retained, in order to mitigate the impact of the development on views from the surrounding landscape and the neighbouring public right of way, and in the interests of securing biodiversity and environmental gain in accordance with the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policies RL1 and RL2 of the West Berkshire Local Plan Saved Policies (2007).

### **9. Landscaping provision**

All landscape works shall be completed in accordance with the submitted plans, schedule of planting and retention, programme of works and other supporting information including drawing numbers dwg no.1386 101-1-6 rev D. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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

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### **10. Landscaping implementation**

The approved landscaping plan dwg no.1386 101-1-6 rev.D shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that die or become seriously damaged within Fifteen years of this development shall be replaced in the following year by plants of the same size and species.

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

### **11. Tree protection**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan BEW22432-03B (Sheet 1&2) rev B dated 21/10/19. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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.

### **12. Arboricultural method statement**

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

Reason: A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **13. Arboricultural supervision**

No development shall take place (including site clearance and any other preparatory works), except construction of the site access, until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. 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.

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### (2) **Application No. and Parish: 19/02092/FULD - Chieveley Parish Council**

*(Councillor Hilary Cole declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was a member of Chieveley Parish Council but had not been present when the planning application was discussed. 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.)*

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/02092/FULD in respect of the conversion of an agricultural barn into one x four bedroom dwelling with associated parking, turning, landscaping, private amenity space and access arrangements.
2. In accordance with the Council's Constitution, Charles Williams, supporter, Jacqueline Percy, applicant, Mark Pettitt, applicant and Councillor Hilary Cole addressed the Committee on this application.
3. Derek Carnegie introduced the report to Members, which had been called in by the local Ward Member. The report took account of all the relevant policy considerations and other material considerations and in conclusion it detailed that the proposal was acceptable and a conditional approval was justifiable. Paul Goddard also confirmed that as the existing access would remain unchanged, the proposal was acceptable from a highways perspective.
4. Charles Williams in addressing the Committee raised the following points:
  - He was one of the nearest neighbours to the application and was supportive of it.
  - He lived approximately 300 yards away from the application site and currently looked at the side of an industrial building so it would provide a more pleasant outlook and improve the view across the fields.
  - It was a remote location so the introduction of another house would further add to the social positives and he hoped planning permission would be granted.
5. Jacqueline Percy and Mark Pettitt in addressing the Committee raised the following points:
  - Mr Pettitt said the development involved the sympathetic conversion of a barn that had been on the site since the 1990s.
  - Policy C4 did not include the conversion of this type of building and the Government had introduced a policy in 2014 permitting such a conversion without planning permission.
  - It would bring a redundant barn back into use and met all the requirements of Policy C4.
  - The applicant was intending to live in the converted barn and he requested that planning permission was granted.
  - Mrs Percy said she was committed to making the conversion as sympathetic as possible and as environmentally sustainable as possible too. In addition, it would improve the area.
6. Councillor Claire Rowles enquired what would take the place of the demolished grain store and Mr Pettitt replied that it would form part of the garden.
7. Councillor Hilary Cole in addressing the Committee raised the following points:

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- It was an interesting application and she had called it in to test Policies C1 and C4.
  - These policies stated planning permission should be refused where a proposal would have a detrimental effect on the relationship of the existing settlement within the open countryside and the rural character of the site.
  - She wanted to draw the Members' attention to the supporting text in these policies and particularly points 4.30 and 4.33 in Policy C4, which stated that not all buildings were suitable for conversion.
  - She therefore thought Members should consider the building itself and also look at other possible interpretations of the Council's policies, as it was a modern steel-framed barn with one side completely open.
  - Consequently, she contended that that the building was not suitable for conversion, in view of the major works entailed and the large number of windows proposed.
  - Removal of the mature trees on the south elevation would expose the building, which until now had been hidden from view across the open landscape to the south.
  - It would have a detrimental impact on the AONB and contravened the principles in policy C1.
  - However, if the application was approved she asked if a condition could be added stating that there would be no expansion of the southern boundary and curtilage into the adjoining agricultural land and requiring the submission of a landscaping plan.
  - She was also concerned that if the application was approved it would set a precedent for similar applications, which would be harmful if they were situated within the AONB.
8. Councillor Rowles acknowledged that conversions usually related to old buildings but asked if policies C1 and C4 stated that they did not relate to modern buildings. Councillor Cole confirmed that the policies did not state this, but the barn was currently screened by trees that would be removed.
9. There were no questions from Members regarding clarification.
10. In considering the above application Councillor Tony Vickers noted that the application would provide an enhancement to the social aspect, which he felt was an advantage and should be recognised as adding value to small settlements. Consequently he felt that some weight should be put on this aspect of the application as it was missing in larger developments. He was also concerned about the removal of the trees but noted that a landscape condition could be added to rectify.
11. Councillor Rowles felt the application would enhance the appearance of the barn so she could not see a problem with removing some of the trees and she was in favour of not having a screen.
12. Councillor Adrian Abbs considered that the application would not set a precedent and noted that when the screening was removed, the dwelling would look onto the A339. Consequently he did not think the Committee should be overly concerned about it.

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13. Councillor Garth Simpson stated he was mindful of the social aspect and reluctantly felt the application should be approved but the landscaping should be revisited as he did not find it a very attractive building.
14. Councillor Phil Barnett noted that the application site was situated in a hamlet and not in an isolated area in the AONB, so it was in an area with services and road networks and was quite acceptable. He further added that he did not have a concern regarding the screening as following the removal of the trees it would be possible to see across the fields and there be a lovely view from the barn. However he added that the original barn had been built in the 1990s and therefore might include asbestos, which he hoped would be disposed of appropriately. Consequently he was happy to propose that the application was approved and this was seconded by Councillor Rowles.
15. Councillor Cole confirmed that she was relaxed about the application but thought it was an interesting one and had brought it to Committee in order to test the Council's policies.
16. Councillor Clive Hooker considered that as one of the advantages of this location was the view, he asked if it would be feasible for the Committee to approve the application but deny it a view.
17. Councillor Cole responded that she had no problem with the trees being removed but had just wanted to ensure that the curtilage did not creep into the agricultural land.
18. Councillor Rowles thanked Councillor Cole for bringing the application to the Committee's attention and said it was refreshing to receive one that included environmentally friendly measures.
19. The Chairman invited the Committee to vote on the proposal of Councillor Barnett as seconded by Councillor Rowles to grant planning permission. At the vote eight Members voted in favour of the application and Councillor Cole abstained.

**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 the approved drawings and other documents listed below:  (i) Location Plan drawing number 190329-01 received on 2 August 2019; (ii) Design Scheme drawing number 190329-102 received on 2 August 2019 (iii) Site Plan 190329-103 received on 2 August 2019. (iv) Design and Access Statement received 12 August 2019 (v) Inspection Report of Barn prepared by JCP Consulting dated 1 October 2019.  Reason: For the avoidance of doubt and in the interest of proper planning.
3	Details of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Samples of the

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	<p>materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.</p> <p>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 (February 2019), Policies CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).</p>
4	<p>The dwelling hereby approved shall not be occupied 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.</p> <p>These details shall:</p> <ol style="list-style-type: none"> <li>I. 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;</li> <li>II. Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</li> <li>III. 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:-</li> <li>IV. Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;</li> <li>V. Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</li> </ol> <p>The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>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).</p>
5	<p>The dwelling shall not be occupied until an electric vehicle charging point (7kw minimum) has been provided. A detailed plan and specifications of the vehicle charging point shall be submitted and approved in writing by the Local Planning Authority and thereafter shall be retained and kept available for use by electric vehicles.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD.</p>
6	<p>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 extensions, alterations, buildings or other development which would otherwise be permitted by</p>



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	<p>Schedule 2, Part 1, Classes A, B, C and 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.</p> <p>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 (2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
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**Informatives**

1.	<p>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.</p>
2.	<p>This development may results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. You are advised to submit a Notice of Chargeable Development at your earliest opportunity. A Liability Notice setting out further details, and including the amount of CIL payable will then be sent to you. 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 <a href="http://www.westberks.gov.uk/cil">www.westberks.gov.uk/cil</a></p>

**35. Appeal Decisions relating to Western Area Planning Committee**

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

*(The meeting commenced at 6.30 pm and closed at 8.22 pm)*

**CHAIRMAN** .....

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