

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, 18 DECEMBER 2019

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

Also Present: Derek Carnegie (Team Leader - Development Control), Stuart Clark (Principal Engineer), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer), Shiraz Sheikh (Principal Solicitor) and Janine Wright (Development and Planning)

Apologies for inability to attend the meeting: Councillor Phil Barnett

PART I

1. Declarations of Interest

The Chairman invited Councillor Adrian Abbs to speak. Councillor Abbs apologised for his part in the incident which occurred at the Western Area Planning Meeting held on 3 July 2019. He confirmed that it was not his intention to disrespect any member of the Committee, and he trusted that the Committee would accept his apology and be able to move forward on addressing planning matters.

Councillor Hilary Cole declared an interest in Agenda Items 4(1) and (3), 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.

Councillors Jeff Cant and Andy Moore declared an interest in Agenda Items 4(2) and (4), 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.

Councillor Clive Hooker declared an interest in Agenda Item 4(3), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

2. Schedule of Planning Applications

(1) Application No. and Parish: 19/00317/FUL, Vine Cottage, Curridge Road, Curridge

(Councillor Hilary Cole declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was Ward Member for Chieveley and Cold Ash and a Chieveley Parish Councillor. 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(1)) concerning Planning Application 19/00317/FUL in respect of the creation of a pond and embankment.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

2. In accordance with the Council's Constitution, Mr Mike Belcher, Chieveley Parish Council representative, Mr Henry Peto, Mr Barry Ayres and Mr Cyril Wood, objectors, and Ms Jill Scrivener (Bourne Rural Planning Consultancy Ltd) and Mr Harvey Rodda (Flood/Drainage Consultant), agent, addressed the Committee on this application.
3. Sian Cutts introduced the report to Members, which had been called in by the Ward Members due to there being more than ten objections. 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.
4. The Chairman thanked the planning officer for their presentation and invited the Highways officer to clarify his part of the report. Paul Goddard noted that on page 14 of the report, concerns about debris on the highway, due to exporting and importing material to the site, had been resolved as the majority of the work for creating the bund had been done.
5. The Chairman also asked the Drainage and Flood Risk Management Officer to comment on the scheme. Stuart Clark explained that he had not been involved in the initial review and was content with the hydrological information that had been submitted. He noted that the amount of surface water flowing onto the highway was not serious and there had been no road closures due to flooding in that area. The main issue was that he was not convinced that the bund was fit for purpose and he needed to see a Slope Stability Analysis Report or plan for stabilising the slope submitted before the application was approved. He also had concerns regarding the maintenance of the bund. There would be a large body of water held by the bund, and water flowing off the hill would go into the outlet pipe and into crates. If the pipe became blocked, it would need to be cleared and this could only be accessed from the crest of the embankment, which had a 1:1 slope with a six foot drop to one side, thereby making a dangerous working environment. He was also concerned that should children play on the bund, they would be in danger of falling off it and into the road. He asked therefore, if there was a maintenance plan and what consideration had been given to the safety of children playing near the pond.
6. Stuart Clark further informed the Committee that he had designed schemes similar to this in Thatcham and had used side-slopes of 1:4 to soften the appearance of the mound. A bund would always look artificial and even though aesthetics were objective, to those used to an unspoilt rural landscape, it would appear visually intrusive. If a side-slope were 1:3 or 1:4 it could be planted with grass or meadow-mix.
7. He concluded that he required further evidence on the stability of the embankment and a maintenance plan to convince him that the scheme was safe.
8. Mr Belcher in addressing the Committee raised the following points:
 - When Chieveley Parish Council (CPC) considered the application in March 2019, they expressed concerns over the possibility of increased risk of flooding to the neighbouring properties and that permeable materials had been used to construct the bund.
 - They had objected and urged for an independent report to be carried out. They were pleased to see that the report was carried out, however the new plan did not alleviate their concerns, which were: there was conflicting information as to the height of the bund; the soakaway and drain pipe exited water onto the footpath; the bund had not been properly constructed and was too porous, and there was no protection against rabbits undermining the structure.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

- CPC were also concerned that many mature trees had been felled before any permission to build the scheme had been given.
 - There was some hearsay that the pond was being built for commercial use.
 - Chieveley Parish Council objected to this application.
9. Councillor Tony Vickers asked what was meant by commercial use. Mr Belcher replied that he was unsure as to the details.
10. Councillor Adrian Abbs sought clarification as to how the Parish Council had concluded that the bund was not constructed properly. Mr Belcher explained that there were two other examples of bunds in Chieveley. He had conferred with West Berkshire Council officers as to how bunds should be supported and had been advised that they were usually supported internally by, for example, clay or heavy materials. There was also a rabbit problem in the area, and the Parish Council were concerned that burrowing would undermine the integrity of the bund. Councillor Abbs further inquired what evidence CPC had to support their view. Mr Belcher responded that the evidence was in the lack of information regarding safeguards, dimensions and porosity.
11. Mr Henry Peto in addressing the Committee raised the following points:
- He lived downstream from the proposed pond. His property was flooded in 2007 by rising ground water.
 - This proposal was causing him real concern due to the size of the body of water, covering roughly half an acre, and being one to two metres deep. Its provision was out of proportion to the issue of alleviating a piece of boggy land.
 - He was not opposed to the principle of an attenuation pond, however due to the size of the proposed pond, he was concerned that it would be used for commercial purposes, such as fishing. Mr Peto asked that if the Committee were minded to approve this application, that they also impose a Condition to restrict commercial use of the site.
 - With regards to de-forestation, it was ironic that the reduction in the number of trees on the site had made the land boggier, and the run-off greater.
 - The soakaways and over-flow pipes would be sited above the footpath and would discharge water onto the footpath and subsequently his property.
 - He would like to see how the site would be maintained when the soakaways and pipes became silted, and asked that the over-flows be redirected away from residential properties.
12. Mr Cyril Wood in addressing the Committee raised the following points:
- His property was sited in a hollow. There was a high water table in the area.
 - He had three main concerns about the pond, which were the size, the scale and that it would be above ground level and therefore put his property into jeopardy.
13. Councillor Hilary Cole enquired as to the number of trees that had been felled near on the land. Mr Peto confirmed that he believed it to be about 30.
14. Councillor Abbs was curious as to the height of the bund in relation to Mr Wood's property. Mr Wood described that when standing in his kitchen he would be looking directly at the bund, as it would be a similar height to himself.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

15. Councillor Claire Rowles asked the objectors to describe their experiences of flooding. Mr Peto reflected that his property was flooded in July 2007 when rising ground water had entered his house. Mr Woods related that his garage had been flooded on the same occasion, and also that 18 months ago a sink-hole had appeared on Oaklands Farm starting at about 20-40 feet deep and increasing to 4m in circumference. Mr Peto explained that the land sits on a bed of sand. Councillor Clive Hooker commented that a bund would have no effect on rising water, as it came from beneath the ground. Mr Peto concurred.
16. Ms Jill Scrivener in addressing the Committee raised the following points:
 - The rationale for the pond was land management and its use as an attenuation pond was of secondary benefit.
 - The land was boggy and could not be used for anything. It was therefore felt that it was a good spot for a pond.
 - The works on the site and removal of the trees were due to changes to the residence, rather than for the pond.
 - The benefit of the pond would be to slow the movement of water across the land, and no further trees would be removed.
17. Mr Harvey Rodda addressing the Committee raised the following points:
 - The proposed pond was not an attenuation pond, it was just a pond.
 - The ground had been excavated to a depth of between two and four metres, and therefore the water level had not been raised. The mass of water would not be sat behind the bund.
 - A study had been carried out to assess the impact of a one in one hundred year storm event with a 40% allowance for climate change. If the pond were to become full, the water would flow into the soakaways, then the run-off pipes, and then onto the footpath. The bund was not yet complete and the technical report had recommended a shallower slope.
18. Councillor Cole raised the concern regarding the embankment and the management of the soakaways. Mr Rodda replied that this was in the geo-technical report. The Engineer had assessed how the bund should be constructed. The existing bund was not the finished article and would be improved and re-profiled. Councillor Cole further inquired if there were any springs on the site. Mr Rodda explained that the water emerged on the site by seeping and was intermittent. It was not fed by a spring. Councillor Cole sought confirmation as to the purpose of the pond, as in the historic planning application on page 8, point 2.1 of the report, it was called an attenuation pond, but was now 'just a pond'. Ms Scrivener explained that the applicant had been given bad advice by their previous agent. Mr Rodda confirmed that his company had only ever referred to it as a pond.
19. Councillor Vickers queried if the pond would be used for agricultural purposes, as had previously been suggested. Ms Scrivener explained that it would be for agricultural purposes, as it was on agricultural land. There was no plan to use it for commercial purposes. The pond would address the boggy land, would stop seepage onto the road, improve the quality of the surrounding land and provide a more controlled environment for run-off.
20. Councillor Andy Moore had formed the impression that the trees near to the pond would be felled as the bund was behind the trees. Ms Scrivener explained that the trees were outside the area of the proposed pond and would not be felled.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

21. Councillor Jeff Cant remarked that he had read that the pond was for the purpose of water management, but if this was no longer the case, he was unclear as to the purpose of the pond. Ms Scrivener reiterated that it was for land management and that managing water was a side benefit of this activity. It was not an attenuation pond.
22. Councillor Hooker commented that at the site meeting it was discussed that the pond would overflow under some conditions, into the soakaway and the overflow pipe and thence onto the footpath. This arrangement was acceptable for the agent, but not for the Committee as West Berkshire Council was responsible for maintaining the footpaths on behalf of the residents. Mr Rodda reiterated that this would be a one in one hundred year occurrence. Councillor Hooker asserted that it would not be acceptable for the footpath to be used for the overflow.
23. Councillor Howard Woollaston questioned the purpose of the proposal. Ms Scrivener reiterated that it was in order to improve the condition of the land and movement of water across the land. The benefit would be to the environment. There was no hidden agenda. It was essentially, just a pond. There would be no negative impact on the neighbouring properties and it would enhance bio-diversity.
24. Councillor Cole in addressing the Committee as Ward Member raised the following points:
 - The application had been called in because of the concern of local residents about the risk of flooding. She was also concerned about the wider environmental impact of the de-forestation. Curridge was unusual in the Area of Outstanding Natural Beauty (AONB), because it was forested rather than open land. Trees soaked up water, and she felt that the situation was of the applicants own making.
 - Stuart Clark had expressed his concerns regarding the construction and stability of the bund. It seemed that little consideration had been given to the moulding and sharp angles of the slopes and their proximity to the road, or the considerable run-off towards neighbouring properties. It did not enhance the AONB.
 - The flooding in 2007 was considered a one in one hundred event, however there had been another one in 2014. No ecological study was carried out before the construction of the bund had been commenced. If bio-diversity had been the aim, there would have been more tree planting rather than the removal of trees, and a plan put in place. Although, she understood the land needed to be less boggy, she considered this to be an ill-thought out scheme, that had a detrimental impact on those to the north of the site and the AONB.
25. Councillor Cant advised that he had never been so confused by a large hole in the ground. Page 13, point 6.4 of the report stated that the officer was satisfied by the technical details, however Stuart Clark did not seem satisfied. Derek Carnegie explained that planning officers were reasonably content and could see no objection on planning terms to the application. Planning officers rely on experts for other areas of knowledge, and it had become clear that there were serious concerns regarding the stability and safety of the bund. However, purely from a planning perspective, officers were content.
26. Councillor Abbs commented that as the mounds had already been constructed, there was no way of knowing how this had been done. Stuart Clark explained that the applicant's geo-technical report acknowledged that the bund had been built from a 'dog's breakfast' of material and poorly constructed. Stuart Clark continued that the applicant's report recommended a clay layer on the inner slope with a 1:3 gradient. However, the report did not provide any evidence that this would render the existing

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

bund structurally sound and therefore safe. In his opinion, a clay layer would only increase stress on the downstream slope. Councillor Abbs further queried the officer regarding the effect of a one in one hundred year storm with 40% increase for climate change. Stuart Clark remarked that in the event of a catastrophic breach, almost all of the flood water would travel down the road, causing a serious hazard to motorists and pedestrians.

27. Councillor Carolyne Culver questioned why the bunds had been constructed, when the application was rejected two years ago, and why there had been no action taken against the applicant. Derek Carnegie explained that the application had been discussed with the relevant officers, and it was considered that planning enforcement action to remove the bunds would be considered, if the application was refused by Committee.
28. Councillor Rowles asked officers to expound on the maintenance needed for the bund. Stuart Clark explained that debris in the pond would collect against the outlet pipe. The only way to access this and clear it would be via the crest of the mound. This work might have to be undertaken in dark conditions, and with a slope of 1:1 and a six foot drop to the road, this could not be carried out safely. He also had concerns that children playing on the mound would be in danger of falling down onto the road. Councillor Rowles was astonished that this application had been recommended for approval. Derek Carnegie observed that in planning terms, the proposal met requirements. It was only when technical requirements were highlighted that concerns have come to the fore, and Members had been asked to consider and debate the proposal.
29. Councillor Vickers expressed the view that the mound could be destroyed and rebuilt. However, ponds were usually in hollows and dips in the land. This site was a gentle slope and there would not naturally be a pond.
30. Councillor Cole conjectured that she could not help feeling that the real reason for the pond was to improve the outlook of the new resident, and having heard the Stuart Clark's concerns, it would be irresponsible to grant this application.
31. Councillor Cole proposed that the Committee reject officer's recommendation and refuse planning permission. The proposal was seconded by Councillor Abbs.
32. The Chairman invited the Committee to vote on the proposal by Councillor Cole as seconded by Councillor Abbs, which at the vote was carried unanimously.

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

The application is proposing the creation of a pond and retention and extension of associated bunds on agricultural land within the North Wessex Downs Area of Outstanding Natural Beauty. The proposal has failed to demonstrate the need for the pond, and to provide evidence that the development can be completed and maintained in a safe manner, and does not incorporate measures for the long term maintenance and management of flood protection and mitigation measures, contrary to policy CS16 of the West Berkshire Core Strategy 2006-2026, and as such does not demonstrate a high quality and sustainable design, contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026.

In the absence of any public benefits to the scheme, the proposal fails to represent sustainable development, and is contrary to policies CS14 and CS16 of the West Berkshire Core Strategy 2006-2026, and the advice contained within the NPPF.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

(2) **Application No. and Parish: 19/01672/FUL, Waterside Youth and Community Centre, Waldegrave Place, Northbrook Street, Newbury**

(Councillors Jeff Cant and Andy Moore declared a personal interest in Agenda Item 4(2), by virtue of the fact that they were members of Newbury Town Council. 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.)

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 19/01672/FUL in respect of the refurbishment, partial demolition and extension of existing Community Youth Centre to modernise and enhance the facilities together with hard landscaping, boundary treatment and external lighting.

In accordance with the Council's Constitution, Gary Norman, Newbury Town Council representative, Paul Woods (Edge 4 Planning on behalf of Morley Stores Ltd (Camp Hopson)) and Emma Cooper (Camp Hopson – Furniture Store Manager), objector, and Robert James (Carter Jonas), David Seward (Berkshire Youth) and Nick Kirby (Pegasus Group), applicant/agent, addressed the Committee on this application.

1. Janine Wright 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. The Committee's attention was drawn to the Update Report where additional Conditions had been presented and Natural England's concerns met.
2. The Chairman thanked the planning officer for their presentation and invited the Highways officer to comment. Paul Goddard noted that the location was in the Town Centre with several public car parks nearby and was therefore very sustainable. He had no objection to the application.
3. Mr Gary Norman in addressing the Committee raised the following points:
 - New Town Council (NTC) wholeheartedly supported this application.
 - It was a much needed facility that specialised in services for young people, which were scarce due to West Berkshire Council budget cuts.
 - Young people were often maligned for doing things they should not, and this was a golden opportunity to provide them with a facility and to improve the general appearance of a building that was a very tired eyesore in a conservation area.
 - The development fitted in with improving this area and with the canal corridor design statement. The design statement did not want to preserve the area in aspic, but use it, while encouraging a proper relationship between the buildings and the canal. The overall structure would remain intact, but the appearance and the environmental impact would be improved, with very few neighbours affected.
 - NTC had been looking for more sites for solar panels and this building could be a candidate for that.
4. Mr Paul Woods in addressing the Committee raised the following points:
 - Morely Stores Ltd had no objection in principle and would welcome the building coming back in to use. They were very supportive of phase one and two. However, phase three, and the climbing tower would have an adverse impact on the store and the conservation area, due to its size scale and the proximity to the store.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

- The proposal would impact on the windows and outlook of the store, and the design and siting bore little resemblance to the surrounding buildings. It was an awkward shape. The closeness to the store would mean a loss of light. The Core Strategy stated that a proposal should not have an impact on the character of the area or harm amenities.
 - Morely Stores Ltd, were also considering this site for development and were in the early stages of discussion. This development would restrain them from expanding the store.
 - The historic character of the conservation area should be preserved and the design should be of a high quality, sustainable and appropriate to location scale and design. His clients did not consider this to be the case with this proposal. There was a lack of assessment of the conservation area, the designated character assets and heritage impact.
 - There would be a negative impact on the views from the canal.
5. Councillor Adrian Abbs encouraged Mr Woods to describe Morely Stores Ltd plans for the site. Mr Woods explained that they had discussed a wider development, but had not moved forward with the site.
 6. Councillor Abbs noted that the windows mentioned as suffering from light loss, had until recently been blocked off with shop stock. Mr Woods explained that the windows served the store, and that stock had been reconfigured to open up half of the window.
 7. Councillor Claire Rowles observed that trees already blocked the light to the windows, and there was therefore already a loss of light. Mr Woods ventured that a climbing tower would have a bigger impact than the trees.
 8. Councillor Hilary Cole remarked that she was struggling with Mr Wood's comments regarding the Core Strategy. This development would enhance the character of the area. The Camp Hopson furniture store was relatively new and very modern, compared to the parent store. She found his comments quixotic. Mr Woods responded that the tower would have an impact on the character of the conservation area, but that this was subjective.
 9. Councillor Cole noted that there was vehicular access to the site through the furniture stores car park. She asked if this would continue to be blocked off at night. Mr Woods was unsure.
 10. Councillor Jeff Cant regaled that as he walked along the canal-side the building struck him like a dead rat in a salad. He felt that Mr Woods held no particular strong feeling to the majority of the development, but that the tower was the problem. Mr Woods confirmed this was the case.
 11. Councillor Carolyne Culver commented that the tower would be 6m away from the furniture store. She inquired as to the height of the store in comparison to the tower. Mr Woods confirmed that they were of a similar height.
 12. Mr Nick Kirby in addressing the Committee raised the following points:
 - Berkshire Youth had been a charity set up to help vulnerable young people in 1945. The proposal was to refurbish the interior, improve the external face of the building, build a climbing tower, carry out hard landscaping and thereby revive an essential facility that supported government policy, social interaction and wide-ranging support for young people.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

- In response to the points made by the objector, he noted that Camp Hopson had wanted to develop the site, but had made no recent proposals.
 - The Charity had carried out painstaking work towards re-developing this site, and there was an urgent demand for youth services.
 - The tower would be 6m from the Camp Hopson store, and visible only at an oblique angle. Retail stores did not have the same light rights as residential properties. The tower would not significantly affect the retail function of the store.
 - The height of the tower was broadly the same as the surrounding buildings, however it would have visual interest due to the use of wooden cladding and external lighting.
 - The Core Strategy called for developments to preserve and enhance character and to regenerate brownfield sites. This proposal therefore met local policy, and provided for much needed leisure and community activities.
13. Councillor Tony Vickers referred to the location plan, and a red dot outside of the red-line area. He asked what this part of the site would be. Mr James answered that the initial thinking was this could be a place to site feature lighting, which could be used for special events. It was outside the ownership of the applicant, but this facility was under discussion. A footbridge was also being considered, and plans would be submitted in the future, but as discussions with consultees had taken so long, other priorities had to come first.
 14. Councillor Claire Rowles sought clarification on the nature of the climbing tower. Mr Seward explained that inside the building there was an existing climbing wall for bouldering. The idea of the climbing tower was to allow for a high enough wall to enable young people to learn rope skills, and working at height. There was a serious problem in the town of young people climbing up onto rooves.
 15. Councillor Cole asked how the site would be accessed at night once Camp Hopson had closed their car park. Mr James stated that there was plenty of car parking close by, but if necessary a vehicle could access the site through the archway. He expected that most people would park in the town and then access the site on foot.
 16. Councillor Clive Hooker inquired as to the anticipated number of users for the tower. Mr Seward explained that the wall was a progression for those already using the bouldering wall. Climbing was a growing sport and would feature in the upcoming Olympics. Climbing allowed young people to access a thrill and adventure in a safe place.
 17. Councillor Abbs asked if there was a connection to the Climbing centre in Reading. Mr Seward advised that this was a commercial venture and had much higher walls than the proposed site. There was also a site in Bristol which was a world leading facility. The hope was to get young people interested in indoor and speed climbing.
 18. Councillor Vickers expressed the view that the Natural England objection had been formed by someone who had not visited the site. Janine Wright explained that any objection from Natural England had to be referred back to them for a response within 21 days. There were ongoing discussions with the Ecology officer, and it was felt that any issues would be overcome.
 19. Councillor Vickers had concerns over Condition 7 in the Update Report. He asked for assurance the applicant would not be liable for any damage to the tower, due to its construction or ground subsidence.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

20. Councillor Cole was mystified by Natural England's objection, as the development was taking place in a really built up area.
21. Councillor Rowles enquired if a heritage impact assessment had been carried out. Derek Carnegie asserted that this was not a listed building and Janine Wright concurred that heritage was not impacted. Councillor Rowles asked for further assurance on the design of the tower. Janine Wright explained that the materials used would be similar to those used by Camp Hopson and other buildings in that area. The use of wooden cladding would soften the appearance and create visual interest. Long views of the development were hindered by the bridge, and the site was set back so as to be less dominating.
22. Councillor Andy Moore proposed that the Committee accept officer's recommendation and grant planning permission. The proposal was seconded by Councillor Abbs.
23. Councillor Abbs asked if a Condition could be added for the inclusion of solar panelling on the south facing slopes. Derek Carnegie considered this would be more appropriate as an informative.
24. Councillor Vickers stated that the tower was clearly contentious, however it would allow young people to take risks in a safe and controlled environment and save residents from having to travel to Reading or Bristol. He was mildly concerned that the cladding would require more maintenance than the more traditional brickwork, and hoped that this would be looked at again.
25. Councillor Cole was pleased to see the application, as it would bring back into use a dedicated youth centre. It would enhance the canal frontage. In her opinion the tower looked like a cooling tower, but understood that it would attract young people and that the objection to it was weak.
26. Councillor Jeff Cant asserted that he had great respect for Camp Hopson as an asset to the town. The development of this property would remove an eyesore and satisfy some of the demand for youth support.
27. The Chairman invited the Committee to vote on the proposal by Councillor Moore as seconded by Councillor Abbs, which was carried unanimously at the vote.

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:

Location Plan Drawing: PL100-Rev P4 dated 27/03/2019

Proposed Site Plan: PL106-Rev P3 dated 27/03/2019

Proposed Elevation Plans: PL111-RevP2 dated 27/03/2019

Proposed Floor Plans (ground floor): PL108-RevP4 dated 27/03/2019

Proposed Floor Plans (first floor): PL109-RevP4 dated 27/03/2019

Proposed Demolition Plan: PL107-RevP3 dated 27/03/2019

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

Flood Risk Assessment (FRA): Submitted by Archibald Shaw Issue 4 dated 28 November 2019

Design and Access Statement: prepared by Carter Jonas dated June 2019 (revision P4)

Construction Management Plan: Submitted by Calco Construction on 11 September 2019 (revB)

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

3. The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays 8.30 am to 1.00 p.m. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers.

4. 4 No development, other than site clearance, shall commence until a method statement, which details how dust from the site will be controlled during the demolition and construction phases of the development, shall be submitted to and approved in writing by the Local planning Authority. The development shall be carried out fully in accordance with the approved details.

Reason: In the interests of amenities of neighbouring occupiers and guidance within the NPPF.

5. No external lighting shall be installed at the site, until details are submitted to and approved in writing by the local planning authority. The external lighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.

Reason: to protect the wildlife and the residential amenities of the neighbouring residential properties and to comply with policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

6. No phase II (single storey extension with viewing gallery) and phase III (climbing tower) development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which should be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded.

7. Prior to the commencement of development hereby approved, a survey of the condition of the waterway wall, and a method statement and schedule of works for its protection during the construction of phase II and III development shall be submitted to and approved in writing by the Local Planning Authority.

Any necessary repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repair schedule. Following the completion of the works a further waterway wall shall be carried out and the details submitted to the Local Planning Authority to demonstrate that any necessary repair works have been carried out and that no additional damage to the wall has occurred.

Reason: To ensure that the structural integrity of the waterway is retained. This condition seeks to prevent harm to the canal during the demolition and construction

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

of the phase II and III development and is therefore required prior to the commencement.

8. Prior to the commencement of works a risk assessment to protect users of the towpath and prevent pollution of the waterway during the phase II and phase II development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: to ensure the safety of users and prevent pollution of the water environment. This condition seeks to prevent harm to the canal and its users during the demolition and construction of the phase II and III development.

9. Within 3 months from the date of the decision notice, details of the proposed materials to be used in the construction of the external surfaces of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: In order that the development harmonises with the surroundings and in interest of visual amenity.

10. Within 3 months from the date of the decision notice full details of both hard and soft landscape works should be submitted and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a 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 within the first planting season following the completion of the development; and
- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year 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 in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

11. Prior to the commencement of development hereby approved, a scheme for the protection of trees to be retained should be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All protective fencing shall be erected prior to the start of any construction and demolition works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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 the West Berkshire Core Strategy 2006-2026.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

12. Prior to commencement of development hereby approved an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

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

13. The development hereby permitted shall be carried out in accordance with the construction management plan submitted by Calco Construction on 11 September 2019 (revB).

Reason: To protect the wildlife and the residential amenities of the neighbouring residential properties and to comply with policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

14. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) prepared by Archibald Shaw Issue 4 dated 28 November 2019 and the following mitigation measures detailed within the FRA:

- a) The lower section of the climbing tower within the flood plain will be of flood resilient construction.
- b) Free draining flood storage will be provided beneath and local to the shop in order to mitigate and manage the risk, and avoid displacing waters to third party land.
- c) Finished floor levels will be set no lower than 76.30m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.

15. Prior to the commencement of development hereby approved, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing. The CEMP shall include the following:-

- A lighting plan showing the construction phase and phase lighting positions (including power rating / range and direction).
- Details of the vegetation management for the site

Reason: To protect the ecological value, prevent pollution and degradation of the SSSI and to comply with policy CS17 of the West Berkshire Core Strategy 2006-2026.

16. Prior to the commencement of development hereby approved, details (including the number, design and position) of proposed bat boxes, bat bricks and a swift boxes are to be incorporated within the site shall be submitted to and approved by the Local Planning Authority. Such details as may be approved shall be incorporated into the

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

development prior to the occupation of any part of the development hereby granted and permanently maintained thereafter.

Reason: In accordance with the terms of the application and to ensure the provision of suitable mitigation in accordance with policy CS17 of the West Berkshire Core Strategy and guidance within the NPPF.

17. Prior to the commencement of development hereby approved, a landscape and ecology management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing. The LEMP shall include the following:-

- Description, plan and evaluation of landscaping and ecological features to be managed on site.
- Ecological trends and constraints on site
- Aims and objectives of management.
- Appropriate management options for achieving the aims and objectives of the management plan
- Preparation of a schedule of work
- Ongoing monitoring and remedial measures where appropriate

Reason: To protect the ecological value and prevent pollution of the SSSI and to comply with policy CS17 of the West Berkshire Core Strategy 2006-2026 and the NPPF.

Informatives:

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to the 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.
2. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
3. No alteration of the surface of the right of way must take place without the prior written consent of the Rights of Way Officer.
4. The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.
5. Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.
6. The applicant is advised that this planning permission does not in any way allow the public right of way to be obstructed at any time during the course of the development.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

7. Due to the proximity of the works to the waterway, the applicant should contact Works Engineer Phil J White on 07710 175496 or email phil.white2@canalrivertrust.org.uk to ensure that the proposed works comply with the Trust's Code of practice for works affecting the Canal & River Trust.
8. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.
9. The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
10. 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.

(3) Application No. and Parish: 19/01690/FULD, The Coach, Worlds End, Beedon

(Councillor Hilary Cole declared a personal interest in Agenda Item (4)3 by virtue of the fact that she lived in the area. 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 Clive Hooker declared a personal interest in Agenda Item (4)3 by virtue of the fact that he was Ward Member for Downlands. 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 Hooker opened the item by explaining that he was both the Ward Member for the application and Chairman of the Committee. He therefore decided that in the circumstances, he would stand down from the Chair for the hearing of this application and Councillor Tony Vickers, as Vice-Chair, would conduct the meeting for Agenda Item (4)3. This was agreed by the Members of the Committee.)

(Councillor Vickers in the Chair)

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 19/01690/FULD in respect of the erection of one dwelling within the curtilage of a public house.

In accordance with the Council's Constitution, Mr David Johnston, Beedon Parish Council representative, Mr Giles Rainy Brown, objector, and Ms Clara Millar (Turley) and Ms Sara Dufield (Turley), agent, addressed the Committee on this application.

1. Sian Cutts 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.
2. The Chairman thanked the planning officer for their presentation and invited the Highways officer to comment. Paul Goddard drew the Committees attention to page 38 of the report. The site was an existing public house and the visibility for vehicles accessing the car park would be unchanged. The footway would be widened to 1.5m, but the access remained at 4.8m wide, allowing two cars to pass. The current number of 19 parking spaces would be reduce to 17. The development would be provided with three spaces and was therefore compliant. He had no objection to the scheme.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

3. Mr Johnston in addressing the Committee raised the following points:
 - There were concerns about the safety of the patrons entering and leaving the pub.
 - The access was too narrow for vehicles to pass each other and pedestrians safely.
 - A previous, rejected application for two, three-bedroomed houses had been refused, it was therefore difficult to understand how this proposal was recommended for approval as there was not much difference between the footprints of the plans.
 - The nearness of the boundary wall, would mean that the light levels of the adjoining property would be much reduced.
 - If the Committee were minded to approve the application, he asked that the area be ring-fenced during construction.
4. Mr Rainy Brown in addressing the Committee raised the following points:
 - The elevations in the plans were inaccurate.
 - The design had no regard for rural characteristics and the relationship with the Old Stores Cottage.
 - There was no need for a dwelling on this site. The requirement for 2,000 homes in the area had already been met and a town house would make no positive contribution to the housing stock.
 - Pedestrian safety was impacted and compounded by the existing wall.
 - The presence of commercial vehicles and the reduced access was unsafe.
 - The design would mean the loss of amenity of a large pub garden.
 - The pub was in the last throws of existence and this scheme would not ensure its continuance.
 - There was a history of flooding on the site.
 - The impact on the 300 year old, Old Stores Cottage would be detrimental. The design meant that the wall was even closer than the previously rejected proposal. The cottage would suffer from loss of light and an unacceptable level of overshadowing.
 - The privacy of the bathroom and landing areas in the cottage would be compromised.
 - This proposal should be rejected for the same grounds as the previous application, as it was of a similar size. It was ethically and morally indefensible to build a property of this scale in this site.
5. Councillor Hilary Cole noted that there was a tree outside the bathroom and wondered if this affected the light levels in the property. Mr Rainy Brown explained that the tree had been cut back to allow light into the bathroom.
6. Councillor Cole sought clarification as to over-looking, as there were no first floor windows in the proposed design. Mr Rainy Brown expounded that there were two dormer windows that had sight lines into the Old Stores Cottage that would overlook the bathroom landing and study. The bathroom window was left open for venting purposes to reduce mould. The proposed garage wall would be within 1.25m of his property wall.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

7. Councillor Adrian Abbs queried what was currently stopping people looking into the bathroom. Mr Rainy Brown explained that there was a six foot wall and oil storage tank. Councillor Abbs further clarified that there was therefore no direct line of sight.
8. Ms Millar in addressing the Committee raised the following points:
 - The development complied with the Local Plan Policies. The previous application had been refused, and they had worked hard with planning officers to rectify the reasons for refusal on this plan. The key changes had been to reduce the development to a single dwelling and increase the width of the pavement.
 - She acknowledged concerns about drainage and access and there would be no increase in the volume of service water run-off.
 - There were concerns over the future of The Coach Pub, as it was not currently economically viable. The capital funds released by this scheme would be used to make the business thrive, as had happened with a previous project in Essex.
9. Councillor Cole asked how the application was going to help the pub. Ms Millar explained that the outdoor space would be improved, the pub would be connected to mains drainage, the gas tank would be re-located, the interior of the pub would be refreshed, the lay-out of the parking spaces would be improved and the living conditions within the pub would be improved.
10. Councillor Abbs queried how much of the footpath would be lost. Ms Millar confirmed that it would be 0.6m. Councillor Abbs further asked officers what the normal width of a footpath would be. Paul Goddard explained that it was 1.15m and that the footway to the car park at the rear was a designated strip. Councillor Abbs posited his concern about the safety of mixing pedestrians and vehicles. Paul Goddard observed that there was a 4.8m shared surface that was acceptable from the officer's point of view.
11. Councillor Cole noted that the objector had made reference to a loss of light. She enquired as to whether officers had carried out light angle projections and if there would be no loss of light. Sian Cutts confirmed that officers had made the calculations. The bathroom window was obscure glazed and a 45 degree sight line from the proposed property would cover a view of the garden, as the house would be set back.
12. Councillor Claire Rowles asked for assurance that an emergency vehicle would be able to fit through the access and be able to turn. Paul Goddard confirmed that 4.8m gave enough room for a car and a larger vehicle to pass. He added that a larger vehicle would have to reverse into the space, but that this was the existing situation, and it was therefore difficult to raise an objection.
13. Councillor Howard Woollaston asked officers to clarify the area of concern regarding the overlooking of the bathroom and study. Derek Carnegie answered that officers did not consider there was a scale of damage that would mean the application should be rejected. The scheme had been designed to minimise any impact.
14. Councillor Tony Vickers queried whether the pub could be accessed safely from the car park. Derek Carnegie concurred that it would be sensible to have access to the garden from the car park, and that this could be clarified in later plans. The car park was already in place and serving the pub. This proposal did not decrease safety from the existing situation.
15. Councillor Cole observed that she had lived in the area for a number of years and had used The Coach pub. There had been a lot of demise of pubs in the area and

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

she was keen to support the local economy. If this was to be achieved by building a house in the garden, then this was pragmatically acceptable. Although there was no settlement boundary, this property was in the middle of the village and there were new modern houses around. Whilst she understood the impact on residents and car parking, the parking situation already existed and would not be negatively impacted.

16. Councillor Cole proposed that the Committee accept officer's recommendation and grant planning permission. The proposal was seconded by Councillor Woollaston.
17. Councillor Abbs elucidated that he was left cold by the mixing of footpaths and cars. As the eaves overhang the wall, cars would not drive near the wall and therefore 4.8m was not in reality the space available. This was an existing problem. There was an historic cottage which would have a view of a blank wall. However, he could not find any planning grounds to oppose the application.
18. The Chairman invited the Committee to vote on the proposal by Councillor Cole as seconded by Councillor Woollaston, which was carried at the vote with two abstentions.

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

Conditions

1. Commencement of development

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. Approved plans

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

- I. Proposed Location Plan Drawing No PL01 received on 25th June 2019;
- II. Proposed Site Plan Drawing no PL03 Rev E received on 5th November 2019;
- III. Proposed Floor Plans Drawing No PL04 Rev C received on 5th November 2019;
- IV. Proposed Roof Plan Drawing No PL05 Rev B received on 5th November 2019;
- V. Proposed East & West Elevations Drawing No PL06 Rev C received on 5th November 2019;
- VI. Proposed North & South Elevations Drawing No PL07 Rev C received on 5th November 2019;
- VII. Swept Path Analysis Drawing No 1809064-TK05 Rev A received on 5th November 2019;
- VIII. Planning Statement prepared by Turley received on 15th July 2019;
- IX. Arboricultural Report prepared by Duckworths Arboriculture dated 14th June 2019 reference SCD 05256/2019 received on 15th July 2019;
- X. Extended Phase 1 Ecological Assessment prepared by Pro Vision dated March 2018 received on 18th September 2019;

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

- XI. Drainage and Flood Risk Appraisal prepared by Motion dated 17th September 2019 received on 18th September 2019; and
- XII. Heritage Statement and Desk-based Archaeological Assessment of Development Proposals prepared by Keevil Heritage Ltd dated September 2019, received on 25th September 2019.

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

3. Materials

No development shall take place above foundation slab level, until a schedule of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas 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. 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 Policy C3 of the Housing Site Allocations DPD (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

4. Electric vehicle charging point

No development shall take place above foundation slab level, until details an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicle. 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 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) Policies CS5 and CS13 of the West Berkshire Core

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.

6. Provision of footway

No dwelling shall be occupied until the 1.5 metre wide footway is provided in accordance with the approved drawing (Drawing No PL03 Rev E and No 1809064-TK05 Rev A received on 5th November 2019) and any statutory undertaker's equipment or street furniture located in the position of this footway has been re-sited to provide an unobstructed footway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. Surfacing arrangements

No development shall take place above foundation slab level until details of the surfacing arrangements for the vehicular accesses to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the accesses for a distance of 3 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

8. Vehicle parking and turning

No dwelling shall be occupied until the vehicle parking and turning space 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 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 (2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD (2006-2026).

9. Cycle storage

No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy P1 of the Housing Site Allocations DPD (2006-2026).

10. Protective fencing

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

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 Tree Protection Plan. Within the fenced areas, 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 National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

11. Arboricultural watching brief

No development shall take place (including site clearance and any other preparatory works) 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: 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.

A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.

12. Tree Protection Plan

No trees, shrubs or hedges shown as being retained on tree protection plan shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation.

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 National Planning Policy Framework (2019) and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

13. Noise mitigation scheme

No development shall take place above foundation slab level, until a scheme for protecting the proposed dwelling from noise from traffic on the adjacent roads has been submitted to and approved in writing by the local planning authority. Any works which form part of the scheme approved by the authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the authority.

Reason: as occupiers of the development, without such a scheme, are likely to suffer from noise caused by the traffic to an unacceptable degree. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

14. Unforeseen contamination

Should any unforeseen contamination be encountered during the development, the developer shall inform the LPA immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

out to agreed timescales and approved by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development and before the dwelling is first occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15. Archaeological Brief

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

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (2019), Policy CS19 of the West Berkshire Core Strategy (2006-2026).

A pre-commencement condition is required as the details refer to the construction phase of the development and insufficient information was submitted with the application.

16. Boundary Treatment

No development shall take place above foundation slab level until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the dwelling hereby permitted is occupied. The approved boundary treatments shall thereafter be retained.

Reason: The boundary treatment is an essential element in the detailed design of this development and ensuring adequate levels of privacy are secure for adjacent occupiers and future occupiers of the dwelling. 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), Supplementary Planning Document Quality Design (June 2006).

Informatives:

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. CIL

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

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

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

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.

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.

5. Excavation in close proximity to the highway

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

6. Incidental works affecting the highway

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

(4) Application No. and Parish: 19/02676/HOUSE, 37A Russell Road, Newbury

(Councillors Jeff Cant and Andy Moore declared a personal interest in Agenda Item 4(4), by virtue of the fact that they were members of Newbury Town Council. 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 Clive Hooker returned to the Chair.)

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 19/02676/HOUSE in respect of Section 73: Variation of Condition 2 - Approved plans and Condition 3 - Materials of previously approved application 18/00541/HOUSE: Demolish single-storey garage and rear conservatory. Proposed two-storey side and rear extensions and loft conversion, to create large family home. Widen existing dropped kerb access to provide four off-road parking spaces.

In accordance with the Council's Constitution, Mr James Green and Mr Taig McNab, objector, and Mr James Sopp (Hungerford Design), agent, addressed the Committee on this application.

1. Councillor Adrian Abbs proposed a Motion under Rule 7.6.2 of the Constitution to extend the meeting and conclude business by 10.30pm. Councillor Hilary Cole seconded the motion and the Committee voted in favour.
2. 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 less intrusive than the extant permission and a conditional approval was justifiable.
3. The Chairman thanked the planning officer for their presentation and invited the Highways officer to comment. Paul Goddard confirmed that he was content with the proposal.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

4. Mr Green in addressing the Committee raised the following points:
 - This was the second time he had opposed the scheme and on neither occasion had the applicant consulted him.
 - The concerns raised against the rejected scheme, such as subservience, gap retention and an imbalance in the overall design had not been addressed by the new proposal.
 - The design had doubled the size of the existing house. The planning officers did not consider this to be significant, but Mr Green and other residents did. It was not right, and it was not fair or reasonable.
5. Mr McNab in addressing the Committee raised the following points:
 - The loss of light to his kitchen window meant that the room would only be able to access 28% of natural light. This was half the legal allowance and was an unreasonable level of overshadowing.
 - He had been forced to take legal action against the extant design, hence the new application. The new plan was meant to reduce the size of the proposal, but the depth was now even greater. The recommendation of the planning officer was that by increasing the depth, the impact would be reduced. However, he was unable to reconcile how building a brick wall in front of his kitchen window could reduce the impact.
6. Councillor Andy Moore asked if the result of the legal case in play would change officer's view of the application. Mr McNab explained that he had sought legal advice on the extant permission. The proposal before the Committee was a redesign to try and make less impact, however his survey suggested that the new proposal would still impact his living conditions adversely.
7. Mr Sopp in addressing the Committee raised the following points:
 - Loss of light was not a planning consideration.
 - Changes had been made to the design to mitigate the impact on neighbouring properties:
 - The loft conversion had been reduced.
 - Overall, there was 5m² less floor space.
 - The house would be rendered and painted, to reflect light.
 - Changes had been made to reduce shadowing.
8. Councillor Tony Vickers remarked that this application was like rubbing someone's scab off. He reflected that it seemed unlikely that an extension would reduce the overlooking of the kitchen window. Mr Sopp explained that a three dimensional model had been created to demonstrate the shadowing the re-design had been trying to accommodate.
9. Councillor Hilary Cole observed that the proposal would affect habitable rooms, and was surprised that there was not more evidence in the report of what actions had been taken to mitigate this. Derek Carnegie stated that the 2018 scheme had been accepted and this new design was a better plan. Councillor Cole commented that she was nervous about making a decision when a legal challenge was in place. Shiraz Sheikh advised that a legal challenge did not prevent the Committee from making a decision.

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

10. Councillor Jeff Cant offered the view that the Committee was not re-opening the debate on an existing consent, but was instead debating the revised proposal which reduced over-shadowing. Derek Carnegie reiterated that the revised scheme was an improvement.
11. Councillor Abbs asked officers to clarify what options were open to the Committee. Derek Carnegie explained that the footprint had been agreed in 2018. If the amended scheme was approved, the neighbouring residents could make a legal challenge if they found it unsatisfactory. Shiraz Sheikh further clarified that Members should consider the application before them. The legal case was not a challenge to the planning process, but was a prescriptive challenge.
12. Councillor Claire Rowles observed that there was no evidence that the new design was an improvement on the last. She was nervous that a legal case was in the background. She would prefer to defer the decision to enable the gathering and presentation of more evidence, such as the three dimensional model to show the reduction in shadowing. Derek Carnegie reiterated that there was an extant scheme and the revised design would reduce the impact significantly.
13. Councillor Cant noted that the Council would definitely have a legal case made against them if they tried to reverse the 2018 decision. The decision had been made and the Committee should approve the amended application. Councillor Cole concurred with Councillor Cant.
14. Councillor Tony Vickers felt that the Committee should defer their decision, as they had no information about what was approved under delegated powers in 2018.
15. Councillor Cant made it clear that he was frustrated by the call for a deferral. He asserted that it was not the role of the Committee to reprise the planning process. Officers had assured the Members that there had been an improvement. He did not understand the purpose of a deferral.
16. Councillor Adrian Abbs explained that he was unable to assess the application before him, as he did not have all the necessary information required to take a decision.
17. Councillor Rowles confirmed that she was not comfortable with making a decision with the information provided. She observed that officers were not always right, and it was the Committee's role to challenge. This proposal would have a significant impact on the neighbouring properties.
18. Councillor Rowles proposed that the Committee reject officer's recommendation and defer their decision. The proposal was seconded by Councillor Vickers.
19. Councillor Woollaston ventured that Members were making themselves look foolish. The officers had given a clear recommendation that this was an improvement on the existing scheme. Mr McNab was free to pursue a legal challenge and get the decision overturned.
20. Councillor Clive Hooker observed that the kitchen was very dark and was only going to get worse. The Committee would be approving a plan which would deteriorate people's lives.
21. The Chairman invited the Committee to vote on the proposal by Councillor Rowles as seconded by Councillor Vickers, which was carried at the vote with five in favour and four against.

RESOLVED that the Head of Development and Planning **defer** the decision for the following reasons:

WESTERN AREA PLANNING COMMITTEE - 18 DECEMBER 2019 - MINUTES

To enable officers to produce more evidence of the potential impact of the proposal at the next Committee meeting.

4. 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 10.15 pm)

CHAIRMAN

Date of Signature