

Note: These Minutes have been approved. Please see Minutes of 22 July 2020 for any amendments.

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 10 JUNE 2020

Councillors Present: Adrian Abbs, Phil Barnett, Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker (Chairman), Garth Simpson (Substitute) (In place of Dennis Benneyworth), Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Rachel Craggs (Principal Policy Officer (Equalities)), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer) and Gordon Oliver (Corporate Policy Support)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth

PART I

6. Minutes

The Minutes of the meeting held on 20 May 2020 were approved as a true and correct record and signed by the Chairman.

7. Declarations of Interest

Councillor Adrian Abbs, being unaware that they had been withdrawn, declared an interest in Agenda Items 4(1) and 4(2), but reported that, as his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter. Other Members would have declared interests in Agenda Items 4(1) and 4(2) had they not already known that the items had been deferred.

Councillor Carolyn Culver declared that she had been lobbied on Agenda Item 4(3).

8. Schedule of Planning Applications

(1) Application No. and Parish: 18/03340/COMIND, Newbury Racecourse, Racecourse Road, Greenham

(Councillor Adrian Abbs, being unaware that the Item had been withdrawn, declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a member of Greenham Parish Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he/she/they determined to remain to take part in the debate and vote on the matter.)

Agenda Item 4(1) concerning Planning Application 18/03340/COMIND in respect of the permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) at Newbury Racecourse, Racecourse Road

David Pearson explained to the Committee that, due to some concerns over technical issues relating to the current application, and the history of the site, officers had been in negotiations with the agent to seek clarification. Unfortunately, clarification had not been received in time for the meeting and the agent had agreed that the item should be deferred to a later Committee.

(2) Application No. and Parish: 19/00225/COMIND, The Lodge at Newbury Racecourse, Racecourse Road, Greenham

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(Councillor Adrian Abbs, being unaware that the Item had been withdrawn, declared a personal interest in Agenda Item 4(2) by virtue of the fact that he was a member of Greenham Parish Council. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he/she/they determined to remain to take part in the debate and vote on the matter.)

Agenda Item 4(2) concerning Planning Application 18/03340/COMIND in respect of the permanent use of hostel (Use Class Sui Generis) as a hotel (Use Class C1) at Newbury Racecourse, Racecourse Road

David Pearson explained to the Committee that, due to some concerns over technical issues relating to the current application, and the history of the site, officers had been in negotiations with the agent to seek clarification. Unfortunately, clarification had not been received in time for the meeting and the agent had agreed that the item should be deferred to a later Committee.

(3) Application No. and Parish: 20/00231/HOUSE, 20 The Green, Chieveley

(Councillor Carolyn Culver declared a personal interest in Agenda Item 4(3) by virtue of the fact that she had been lobbied. 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(3) concerning Planning Application 20/00231/HOUSE in respect of a rear garden extension to replace existing conservatory. Single storey side extension to south-east elevation. Two storey side extension replacing detached garage.
2. David Pearson introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. On balance, officers recommended the Committee grant planning permission.

Removal of speaking rights

3. As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.
4. In accordance with the Extraordinary Council resolution, written submissions had been received from Mr Roger Scully (Absolute Architecture), agent.
5. The written submission of Mr Roger Scully was read out by the Clerk to the Committee as follows:

Agent Representation

The following statement is in support of application 20/00231/House. It has been prepared by Absolute Architecture on behalf of the applicant.

The design presented to the committee has been updated during the application process in response to officers and consultees concerns.

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The planning officer has already set out to the committee the basis upon which, under current local and national planning policy this application is being recommended for approval.

We therefore address directly the concerns raised by the consultees, which are the reasons this application has been brought before you.

Bulk & linear design:

The design is in keeping, ridge heights are subservient to the host dwelling and building lines are set back. Neighbour and applicant amenity is unaffected. The design meets with design guidance.

The design is not linear. It is designed to appear as a separate mass (the garage) with a subservient link to the main house. This creates character, definition and reduces bulk. The proposals will be well screened from the end of the close and from the wider AONB.

We note that other two storey side extensions of linear design that close gaps have been approved within The Green development.

AONB impact, views in and out:

There are no public views through the application site following the growth of natural vegetation. The impact on the AONB is negligible as the proposals replace an existing structure of similar size and character. The site is well screened from surrounding public rights of way. No views will be lost as a result of closing a gap between the existing garage and house as none currently exist.

Neighbour's issues:

The proposals are sympathetic in character to the host dwelling and surroundings.

The proposal maintains the existing 3m gap between No20 & No21. The mass of the extension moves away from No21. Views from the new first floor windows are angled away from the garden of No21 and will have views of the southwest corner of No21's garden only and these will be through existing mature boundary vegetation. Note, this view already prevails in the existing building. The impact on the amenity on No21 is negligible.

There is no loss of views to the surrounding AONB which No21 currently enjoys. Only a negligible view directly into No20's garden and beyond which they are not entitled too and has no bearing in planning policy.

If the committee have concerns over the development creating a separate dwelling on this site then they can impose a condition to restrict this, as is common and typical to restrict new development within the countryside.

Conclusion:

Your officer and planning professional has recommended this application for approval and along with this statement will have set out the reasons why this application should be granted.

It is our contention that there are no significant or reasonable grounds to refuse this application. The Committee should therefore be aware that the applicant will appeal the decision and seek costs should this application be refused.

Ward Member Representation

6. Councillor Hilary Cole in representing the Committee as Ward Member made the following points:

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- When The Green and the site opposite were approved in 2003 they brought 51 much-needed homes to Chieveley. These were built on green field, agricultural land outside the then settlement boundary, and linked Chieveley Village with Downend.
- Significant consideration had been given to the design and layout of The Green, as it was in a sensitive area on the edge of the settlement and abutting the open countryside of the AONB.
- Officers' comments in the report referred to the pleasing, spacious feel of the development with properties oriented away from each other. These were conscious design considerations, which enabled views through gaps between dwellings to and from the AONB, and the orientation prevented the development from being seen as a block when viewed from the AONB.
- The Chieveley Village Design Statement (2002), published before this development commenced, noted that Chieveley was almost totally concealed from the south and east, with meaningful views only from higher ground to the west or north-west. It was within this context that The Green, which was west and north facing, had been constructed.
- Councillor Hilary Cole objected to the form of the proposed development, its effect on the sensitive boundary with the AONB, and its impact on the amenity of the neighbours at No.21. The gap between the two properties would be substantially reduced, making the development obtrusive.
- The application disregarded the design principles of the wider development and, if approved, would create a precedent for similar extensions, resulting in further loss of visual gaps between properties, resulting in material harm on the character and appearance of the area.
- While the applicant had taken account of comments made by the case officer by submitting amended drawings, these did not address the issues raised.
- The proposal almost filled the width of the plot, as the albeit subservient two-storey extension on the north side of the dwelling had been reoriented to align with the current dwelling, thus creating a linear building. The garage it replaced was set at an angle to the property, creating a significant visual gap.
- The officer's statement in paragraph 6.23 considered the proposal to be acceptable on balance, which did not indicate a firm recommendation for approval.
- The agent had indicated that the impact on the AONB would be negligible, as the site was screened from nearby public rights of way. While true in summer, the site would be visible in winter, including from more distant rights of way on higher ground.
- The ward member indicated that her preference was for this application to be refused, with the applicant invited to come back with a revised application more sympathetic to its context and original design concept, while still accommodating the applicant's needs.
- Councillor Hilary Cole took exception to the agent's threat that the applicant would appeal the decision and seek costs, should the application be refused. She reminded the agent that they should not seek to influence the decisions of the committee in this manner and reminded the committee that they had the right to disagree with the recommendations of officers, particularly when they were balanced.

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Member Questions of the Ward Member

7. Councillor Adrian Abbs asked about the impact of the development on No. 19, since the music room and lounge of No. 20 would be closer than at present. Councillor Hilary Cole responded that the existing conservatory would be replaced by the proposed rear extension. She highlighted that the bulk of the new build was to the north, nearest No. 21, involving demolition of the garage and building of a short two-storey extension. Councillor Abbs further queried whether she considered the music room might have a potential impact on No. 19. Councillor Hilary Cole responded that she hoped the applicant would insulate the music rooms appropriately.
8. Councillor Clive Hooker asked whether Councillor Hilary Cole had commented on previous extensions to properties in The Green. Councillor Hilary Cole replied that these had pre-dated her time as a District Councillor in West Berkshire, however the Parish Council had objected to a bulky extension on one property, since it affected the gap to adjacent properties. She explained that the extension to the other property was smaller and faced the High Street and therefore did not have the same impact on the open countryside that this application would.

Questions to Officers

9. Members were invited to ask questions of the officers. Councillor Abbs sought clarification as to the location of numbers 19 and 21 in the photographs accompanying the report. David Pearson confirmed that No. 21 was to the left of the image and No. 19 was located behind the conservatory towards the right. Councillor Abbs inquired as to whether there were any tree preservation orders that would prevent removal of vegetation on the site. David Pearson confirmed that he was not aware of any orders and suggested that the trees were not of sufficient importance to merit an order. Councillor Abbs queried whether he should take account of the presence of the tree in making his decision. Councillor Hooker responded that it was not protected and therefore could potentially be removed.
10. Councillor Hooker requested to see the aerial plan in the presentation that showed the location of No. 19, in order to clarify for Members likely impact of the music room on this property. Councillor Abbs confirmed that it showed the first floor extension went closer to No. 19.
11. Councillor Jeff Cant requested officers to present the before and after images of the front elevation. He sought clarification on previous developments at this property. David Pearson explained that the original proposal for a larger scheme would have been much closer to No. 21, however officers had negotiated amended plans which resulted in the extension being pulled back. Councillor Cant wished to understand the cumulative impact of this proposal with previous extensions. David Pearson confirmed that the existing conservatory had received planning permission in 2005. Councillor Cant asked about the percentage change in floor area was for the first and second applications. David Pearson stated that officers had not calculated this, since it was within settlement and the single storey extension next to No. 19 and the replacement of conservatory at the rear were not considered contentious. Officers had focused on the larger, two-storey extension.
12. Councillor Woollaston sought clarification as to the location of the tree and whether it was within the gift of the applicant to remove it. David Pearson replied that the site plan appeared to show the hedgerow and some trees within the red line, however he could not confirm if this was an accurate portrayal of ownership. He suggested that the hedge appeared to be at least partly in the ownership of the

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applicant. Councillor Woollaston queried whether a constraint could be imposed on the applicant to retain the tree. David Pearson explained that case law had shown that conditions should not be used to permanently retain trees and the correct course of action for a Local Planning Authority was to place a tree preservation order on it. Councillor Woollaston asked if this would be possible. David Pearson responded that the tree officer would need to be consulted, however he suggested that the tree was not big or sufficiently well-established enough to warrant an order.

13. Councillor Woollaston sought confirmation that there had only been one objection from the occupants of No. 21. David Pearson indicated that loss of views from No. 21 was cited in the objection, so it was reasonable to assume that they were the objectors.
14. Councillor Hooker observed that the photograph showed the garage was at an angle and that with the proposed extension, the garage would be set back more in line with the house. David Pearson confirmed this was correct.
15. Councillor Hilary Cole explained that when The Green was developed, the plan was for a 2m buffer between the properties and the field in which the trees and a hedgerow would be planted. However, there had been confusion between Planning and Legal and as a result the buffer zone was taken into the ownership of the properties. She confirmed that the original intention was that the trees should be separate from the properties.

Debate

16. Councillor Vickers opened the debate by stating that he had no problem with the application. He had used the public footpath near the property and liked looking at the village and suggested that the residents would like looking at the view. He did not consider this to be an important issue and thought that the balance should be for property owners to be able to enlarge their property so they did not have to move. He indicated that he could not see significant harm to anybody as a result of the proposed development and, while he respected Councillor Hilary Cole's defence of the objectors, could not see a case for refusal.
17. Councillor Abbs considered that the two most noise generating rooms in the house would move closer to No. 19. He asked whether a condition could be imposed relating to noise insulation of the music room. He also expressed concern about the volume of the proposed extensions, which were significantly more than the current building. He expressed dislike of the threat from the agent to appeal the decision and seek costs should the application be refused. He suggested that this was inappropriate and asked whether there were any steps that could be taken to make the agent aware that they should not do this. He indicated that the above concerns meant that, on balance he, would prefer to see new plans that took these things into account. Councillor Abbs proposed to reject the officer's recommendation and refuse planning permission.
18. Councillor Hooker reminded members that they should make decisions based on the Council's planning policies.
19. Councillor Hilary Cole seconded Councillor Abbs' proposal. She felt strongly that the committee had seen a lot of unsympathetic extensions to properties that did not take account of their context and that this was one of them. She stated that she did not wish to prevent residents from sympathetically extending their properties, since people have every right to do so, but stressed that The Green had been very carefully set out and this extension ignored the context in which it

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was set. She suggested that the National Planning Policy Framework encouraged local planning authorities to consider context and building design. She confirmed that this was the reason for bringing the application to committee and felt that the developer could have proposed a more sympathetic design that would still have met their needs.

20. Councillor Phil Barnett suggested that it would have been appropriate to visit the site, but this was not possible due to current restrictions. He indicated that while he knew the village reasonably well, he did not know it as well as Councillor Hilary Cole. He expressed concern about the threat made by the agent. While he recognised that the extension was large, he did not consider there were sufficient grounds to refuse the application.
21. David Pearson sought clarification from Councillor Abbs regarding the grounds for refusal. Councillor Abbs confirmed that these were: the potential for impacts on neighbouring properties, particularly numbers 21 and 19; the impact on the setting of the development; and the excessive volume of the development. David Pearson sought clarification about the nature of the impacts on the neighbouring properties. Councillor Abbs indicated that noise from the lounge and music room would impact on No. 19. He reiterated the need to ensure that, if the application were to be approved, that the correct insulation should be installed to mitigate the impact. David Pearson asked whether Councillor Abbs considered this to be overdevelopment that was inappropriate in the context of the design of the estate. Councillor Abbs confirmed that it was overdevelopment, as the extensions to the north and south pushed the volume of the building towards numbers 19 and 21.
22. Councillor Hooker noted that there were no concerns about the proposed conditions and asked whether there were any concerns relating to the possibility of the creation of a second dwelling at a future date. Members did not raise any concerns. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Hilary Cole for the Head of Planning and Countryside to be authorised to refuse the application. At the vote, the motion was rejected.
23. Councillor Vickers proposed to accept the officer's recommendation and grant planning permission. This was seconded by Councillor Woollaston. At the vote, the motion was carried.
24. After the vote, Councillor Abbs asked whether further conditions could be imposed. Sharon Amour confirmed that the conditions were as per the officer recommendation in the agenda as the proposal had been to accept officer's recommendation. Councillor Abbs commented that he had previously asked for a condition in relation to soundproofing. Councillor Hooker asked officers whether this was a building control issue. David Pearson confirmed that the applicant would need building regulations consent, but this would be as per any other residential property. He suggested, given the gap between the properties, it would be unlikely that the use of that room would cause a problem. He highlighted powers under the Control of Pollution Act that the Environmental Health Team could use to stop any noise above statutory levels. The Chairman confirmed that the decision was as per the conditions set out in the agenda.

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

Conditions

1. **Commencement of development**

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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 plans and documents listed below:

Design & Access Statement and site location plan received on 29 January 2020

Drawings 040A, 050A, 051A, 062A and 063A received on 22 April 2020

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

3. Materials

The external materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respond to local character and appearance.

This condition is applied in accordance with the National Planning Policy Framework,

Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Quality Design

SPD (Part 2, June 2006), and House Extensions SPG 04/2 (July 2004).

4. Openings

Irrespective of the provisions of the current Town and Country Planning (General Development) Order 2015 (or any subsequent revision), no further openings shall be inserted within the side [north and south] elevations of the extensions hereby approved unless permission is granted in respect of a planning application for such works.

Reason: To prevent overlooking of adjoining properties and in the interests of the amenity of neighbouring properties in accordance with the National Planning Policy Framework 2019 and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026

(The meeting commenced at 6.30 pm and closed at 7.35 pm)

CHAIRMAN

Date of Signature