

Note: These minutes have been approved. Please see minutes of 17 March 2021 for any amendments.

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 3 FEBRUARY 2021

Councillors Present: Adrian Abbs, Phil Barnett, Dennis Benneyworth, Jeff Cant, Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Tony Vickers (Vice-Chairman) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Performance, Research and Consultation Officer) and Simon Till (Team Leader - Western Area Planning)

PART I

44. Minutes

The Minutes of the meetings held on 25 November 2020 and 16 December 2020 were approved as true and correct records and signed by the Chairman.

45. Declarations of Interest

Councillors Howard Woollaston and Dennis Benneyworth declared an interest in Agenda Item 4(2), 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.

46. Schedule of Planning Applications

(1) Application No. and Parish: 20/01914/FUL, Tree Tops, Hampstead Norreys

(No declarations of interest received.)

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01914/FUL in respect of a two-storey front and side extension over basement to create granny annexe and carers room. Change of use of associated land to provide two additional ancillary parking spaces at Tree Tops, Hampstead Norreys.
2. Mr Simon Till, Team Leader – Western Area Planning, 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 in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader - Highways Development Control, if he had any observations relating to the application. Mr Goddard confirmed that in accordance with the Council's parking standards, there would be a requirement for additional car parking, as the number of bedrooms had been increased from three to five. He noted there had been objections to the proposed location of the spaces due to its distance from the property, however it was as close to the property as could reasonably be achieved without the need for extensive

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

additional track work, and this was not a reason for refusal. He confirmed that the proposed spaces would meet all standards, including provision of an electric vehicle charging point. He noted concerns about land ownership, but this was not a planning issue. He confirmed that Highways officers supported the provision of parking spaces as the area was congested, they therefore had no objections.

Removal of speaking rights

4. 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 was 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.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
6. No written submissions relating to this application were received.

Ward Member Representation

7. Councillor Culver confirmed that she did not wish to address the Committee on this application. She noted that she had called in a previous application, which had been subsequently withdrawn, however she was waving right to speak on this application as she had not been approached in relation to this one.

Members' Questions to Officers

8. Councillor Howard Woollaston asked for clarification as to the location of the proposed parking spaces. Mr Till displayed a photo showing the entrance to the track and confirmed that the spaces would be located at the point from which the photo had been taken.
9. Councillor Hilary Cole asked about the ownership of the proposed site of the parking spaces. Mr Till stated that the blue line showed land within the applicant's ownership, but outside of the residential curtilage.
10. Councillor Phil Barnett noted the considerable incline where the parking spaces were proposed and asked if this would be excavated and affect access via the track. Mr Goddard indicated that retaining structures would be required, but considered that there would be sufficient space to retain use of the agricultural track with the spaces in place, due to the width of the track as it joined the public right of way alongside the public house.
11. The Chairman asked about the dimensions of the track. Councillor Barnett suggested that it may be difficult to turn in and out of the track with the parking spaces in place, especially if there was a car parked at the back of the pub. Mr Goddard confirmed that the width of the track was 10.7m where it joined the right of way and the spaces would be 4.8m wide, so there would be sufficient space for the track to be kept open.
12. With regards to the gradient, Mr Goddard suggested that a condition be sought asking for construction details of the parking spaces, including levels and retaining structures, to be submitted for approval prior to construction.

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

13. Councillor Adrian Abbs noted that the blue line shown on the plan passed through a tree and queried whether the width of the tree had been taken into account with regards to the width of the track. Councillor Abbs noted that it was an agricultural track, however he could not see an obvious gate or entrance to the fields. In relation to the house itself, he asked for officers' responses to the queries raised in the letters of objection regarding the 1.6m reduction, whether the decking area was included in the calculations and within the building line. Mr Till advised the Committee that, as this was an in-settlement application for the extension of an existing building, proportionality was irrelevant. He suggested that it was more important to consider whether the design was in keeping with the character and appearance of the area or resulted in other detrimental impacts, not the amount of extension that was proposed. He confirmed that the decking and terracing were 'built form' and would therefore have an impact.
14. Councillor Abbs noted the comments in one of the objection letters that referred to a reduction of 1.6m, but he could not find evidence of this. Mr Till was not aware of this.
15. Councillor Abbs asked about the vehicles that would use the track in future as it was an agricultural track. The Chairman noted that the applicant had bought the track to secure access to his property and asked if it was likely that farm vehicles would use the track in future to access adjacent fields. Mr Goddard suggested that it could be used by a tractor and trailer since the track was quite wide.
16. The Chairman suggested that the landowner would be able to move their parked cars to facilitate access if they needed access for larger vehicles. Councillor Abbs agreed that this would not be an issue if the land was completely within the owner's curtilage, but asked if there was access required to adjacent fields. Councillor Tony Vickers highlighted paragraph 7.4 of the report, which confirmed that the neighbouring farmer had an established right of access to two gates and fields.
17. Councillor Carlyne Culver asked about the route to be used for construction traffic noting the steep gradient of the footpath, which passed the front door of at least one other property. She was concerned that if construction traffic were to use the track to the rear of the property, the adjacent trees might be damaged. Mr Till explained that a condition was recommended requiring a construction management plan, which would be used to secure appropriate access for deliveries of construction materials. This would be considered by Highways officers.
18. Councillor Culver noted that a previous application for a replacement building had been rejected, but the applicant had carried out the works anyway, and an ancient hedge that had been lost had not been restored. She asked if a condition could be imposed on this application to restore the hedge and what could be done to prevent further unauthorised works.
19. Mr Till explained that carrying out works without planning permission was unauthorised rather than unlawful. Planning legislation allowed for retrospective applications and also enabled planning authorities to carry out enforcement action for unauthorised works that resulted in material harm. He stated that there was no condition that could be applied to introduce a warning about unauthorised works. He suggested that reinstatement of the ancient hedge was outside the scope of this application and imposing a condition would be unnecessary and unreasonable and would fail to meet tests set out in the NPPF and would be susceptible to appeal.
20. Councillor Hilary Cole noted that an objector had mentioned parking outside of the settlement boundary. Mr Goddard confirmed that Highways had no concerns.

Debate

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

21. Councillor Vickers opened the debate. He had visited the site and felt that the key issue was the parking. He suggested that access to the fields was a private matter between the applicant and the farmer. He suggested that it was important to look carefully at the construction management plan, since access to the site was restricted. The track was the only viable means of access for heavy construction traffic, but it was muddy and had a steep turn. He suggested that the parking spaces would be the last element to be constructed, but the building could not be occupied until they were in place. He suggested that there might be a subsequent application to waive the condition for the parking if the farmer was unable to access the fields. He asked for an amendment to the construction management plan to protect users of the public right of way and avoid a path closure.
22. Councillor Culver asked if a condition could be imposed to ensure the track was left in good order following construction. She stressed the need to protect tree roots from compaction and noted that while Condition 10 protected trees adjacent to the track, it did not mention tree protection around the parking spaces. She welcomed the proposed provision for off-road parking for the site.
23. Councillor Barnett expressed reservations about the construction phase. He suggested that only a four wheel drive vehicle could access the rear of the property as a standard seven tonne vehicles would have some difficulties. He noted that the granny annex would be used by an elderly or infirm person and questioned if emergency service vehicles would be able to reach the property. He suggested that it would difficult to refuse permission, but there were important points that the applicant needed to addressed.
24. Councillor Abbs indicated that he was uncomfortable with the application. He noted that not all of the detailed information he had sought had been provided and he would prefer to defer the decision, however he could not come up with a clear reason for refusal.
25. The Chairman summarised the concerns discussed and asked Members to consolidate the required conditions prior to a proposal. He offered up conditions in relation to a construction management plan, access to the public right of way, tree protection and restoration of the track.
26. Councillor Abbs asked about the restoration of the hedge as mentioned by Councillor Culver. Mr Till confirmed that the hedge did not fall within the scope of the works for which permission was sought and so could not be conditioned.
27. The Chairman asked if separate enforcement action could be undertaken. Mr Till offered to raise it with Planning Enforcement, but suggested that it might be more appropriate to refer to the Tree Officer as it did not involve development work.
28. Councillor Culver asked that the condition for restoration of the track be clarified to say the ground of the track and the trees that surrounded it.
29. The Chairman asked what could be done if a tree was damaged. Councillor Culver suggested that trees should be replaced if knocked down or severely damaged.
30. The Chairman asked how tree roots could be protected. Mr Till suggested that the tree protection conditions could be amended to address Councillor Culver's concerns. He was confident that the condition could be used to require that any trees damaged would have to be replaced by specimens of a similar variety.
31. Councillor Hilary Cole proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, and those proposed in the Committee to address issues identified by

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

Members. This was seconded by Councillor Vickers, who also requested that details should be made publicly available for any earth retention structures for the parking spaces that were agreed with officers.

32. Mrs Sharon Armour suggested there should be a separate condition to deal with the plan for parking spaces and the gradient. Mr Goddard agreed and suggested a separate condition requiring the gradient in and around the proposed parking spaces and details of any retaining structures to be submitted for approval prior to commencement. Councillors Hilary Cole and Tony Vickers confirmed their support for this amendment to the proposal.
33. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hilary Cole, seconded by Councillor Vickers to grant planning permission. At the vote the motion was carried.

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 plans and documents listed below:

- LC-PL-01 (Rev17A) Location plan
- EX-ELV-01 (Rev17) Existing elevations
- EX-PL-01 (Rev17) Existing floor and roof plan
- EX-SPL-01 (Rev19) Existing site/block plan
- EX-3D-01 (Rev17) 3D view of existing
- BLC-PL-01 (Rev17A) Proposed Block plans (including visibility splays)
- PR-ELV-01 (Rev19) Proposed Elevations
- PR-PL-01 (Rev19) Proposed floor and roof plans
- PRSPL-01 (Rev19) Proposed site plan
- PR-3D-01 (Rev18) Proposed 3D view
- SEC-AA-01 (Rev19) Section A-A
- SEC-AA-BB-01 (Rev19) Section A-A & B-B
- SEC-AA-01 (Rev19) Section E-E

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

3. Materials as specified and to match

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.

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

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. Boundary treatment

The development hereby approved shall not be occupied until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected on the south side of the site bounding the garden of the dwelling 'Mountain Ash' 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 extension hereby permitted is first brought into use. The approved boundary treatment shall thereafter be retained.

Reason: In the interests of ensuring proper treatment of the boundary between the two sites upon the completion of development in the interests of protecting neighbouring amenity. Insufficient information currently accompanies the application to be able to determine these details at this stage. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

5. CONS1 - Construction method statement (Amended)

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) Wheel washing facilities
- (e) Measures to control the emission of dust and dirt during construction
- (f) A scheme for recycling/disposing of waste/spoil resulting from demolition, excavation and construction works
- (g) A site set-up plan during the works
- (h) Measures to prevent encroachment of the development onto the Public Right of Way (PROW)
- (i) A schedule of any works required to be undertaken to restore the agricultural track shown outlined in blue on the approved plans to its original condition following completion of the works hereby approved.

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, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

A pre-commencement condition is required because insufficient information on construction methodology accompanies the application and this information is required in order to ensure that construction does not result in a detrimental impact on highway safety and neighbouring amenity.

6. Visibility splays for private drives

The development shall not be brought into use until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction of the proposed parking spaces and the adjacent footway. Dimensions shall be measured along the edge of the driveway/access and the back of the footway from their point of intersection. The visibility splays shall, thereafter, be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: To enable pedestrians to see emerging vehicles and to be seen by its driver. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. Parking/turning in accord with plans

The development shall not be brought into use until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking of private motor cars at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

8. Residential annex use

The extension hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Tree Tops. The extension shall not be used as a separate dwelling unit and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 CS14 of the West Berkshire Core Strategy (2006-2026), House Extensions SPG (2004).

9. Electric Charging Point

The development hereby permitted shall not be brought into use until details of an electric vehicle charging point are submitted to and approved in writing by the Council. The charging point shall thereafter be installed as approved and kept available for the use of an electric vehicle.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Tree protection scheme (Amended)

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

No development (including site clearance and any other preparatory works) shall commence on site until an Arboricultural Survey and Impact Assessment in addition to a scheme for the protection of trees to be retained is 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 such fencing shall be erected prior to any development 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. Any trees that become significantly damaged as a result of the development shall be replaced with a similar species within the first planting season after the development is completed and shall be replaced within the first two years thereafter should any become seriously ill or die.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

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 necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

11. Arboricultural Method Statement

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

Reason: 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.

A pre-commencement condition is required as insufficient details of arboricultural methodology have been provided with the application and in order to ensure that all arboricultural works are carried out in an appropriate manner that does not result in undue impacts to trees and shrubs to be retained through the course of development.

12. Hard surfacing (Amended)

No development shall commence on site until details of the proposed parking spaces have been submitted to and approved in writing by the Local Planning Authority. Details, to include a plan, shall indicate the scope of the engineering/excavation works, gradient, surfacing treatment, and any other retaining structures on land on and around the proposed spaces. The parking shall be provided in accordance with the approved scheme before the extension hereby permitted is first occupied. The approved hard surfacing shall thereafter be retained in accordance with the approved scheme.

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

Reason: In the interests of ensuring the proposed spaces respect character of the area and ensuring the choice of material does not adversely impact nearby trees. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14, CS18, and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C8 and P1 of the Housing Site Allocations DPD, Policies TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

A pre-commencement condition is required because these details were determined at the Western Area Planning Committee to be a material consideration in the acceptability of the development. On the advice of highway officers, the resolution was for these matters to be submitted prior to the commencement of development.

13. Hours of work (construction)

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining rural land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS14 CS19 of the West Berkshire Core Strategy (2006-2026).

Informatives

1. Approval – need for revision

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

2. CIL Liability

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

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.

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

(2) **Application No. and Parish: 20/02630/HOUSE, Gallants View, Lower Green, Inkpen**

(Councillors Howard Woollaston and Dennis Benneyworth declared that they had been lobbied on Agenda Item 4(2).)

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 20/02630/HOUSE in respect of revised proposals for a replacement entrance porch, internal alterations and extension to accommodate relocated kitchen with dining area with additional bedroom and family bathroom at Gallants View, Lower Green, Inkpen.
2. Mr Simon Till, Team Leader – Western Area Planning, 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 in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard, Team Leader - Highways Development Control, if he had any observations relating to the application. Mr Goddard confirmed that Highways had no objections.

Removal of speaking rights

4. 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 was 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.
5. The above changes to speaking rights were subsequently amended at the Council meeting on 10 September 2020. It was agreed that parties making written submissions in relation to a planning application would be invited to attend the remote meeting of the Planning Committee to answer any questions that Members of the Committee might wish to ask in order to seek clarification on any part of their statement.
6. In accordance with the Extraordinary Council resolution, written submissions relating to this application were received from, Mr Sam Peacock (on behalf of the residents of Hollytree Cottage), objector, and Mr Edward Bennett and Mrs Rebecca Bennett, applicants. Those able to attend the remote meeting were, Mr Peacock and Mr Bennett.
7. Individual written submissions were published online along with the agenda <http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=155&MId=5739&Ver=4>

Objector's Submission

8. The Clerk read out the representation. Mr Peacock was invited to join the meeting and Members questioned Mr Peacock as follows:
9. Councillor Dennis Benneyworth asked for clarification in relation to paragraph 1.10 of objector's statement about the building having already been modernised.
10. Mr Peacock explained that the owners had knocked down an interior wall and created a new kitchen/dining area, so the interior was already quite modern. This led

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

him to argue that there was no need for internal modernisation and he felt that it met relevant space standards. He suggested that the only modernisation required was to the exterior of the property, but he considered that the proposed external changes would have a detrimental impact on the character of the building.

11. Councillor Adrian Abbs asked for clarification in relation to shadowing from the proposed development. Mr Peacock explained that Hollytree Cottage was to the north of the site and suggested that the significant increase in building height to 6.9m would increase the shadow cast. He noted that the existing hedges already overshadowed the ground floor kitchen window, however the proposed extension would be much higher than the hedge and would therefore cast a much larger shadow.
12. Councillor Hilary Cole asked about paragraph 1.4 of Mr Peacock's statement, which quoted Policy C6. She questioned the reference to an extension impacting the character of the existing dwelling. Mr Peacock confirmed that the wording was correct. Councillor Cole subsequently agreed, but noted that supporting text provided more detail and nuance.
13. Councillor Barnett asked about the comment relating to the non-attendance of the planning officer. Mr Peacock suggested that the impact on the character of the property was hard to envisage without visiting the site. He recognised that the extension was subservient in scale, but suggested that the important consideration was the size of the extension and the non-matching materials, which would have a drastic impact on the character of the dwelling and the area. He suggested that a smaller extension with a tiled roof, or a larger extension with a thatched roof would be more acceptable and would not impact the character of the building and the area. He noted that the proposed extension was not consistent with Policy C6 in terms of the size of the extension and non-matching materials, and would set a precedent for other thatched dwellings in the area. This would have been understood better if the officer had visited the site.
14. The Chairman noted that the subservient nature of the development was subjective and the Conservation Officer had made a judgement, which might differ from the views of Mr Peacock, but the Committee would take all views into account in reaching a decision.

Applicants' Submission

15. The Clerk read out the representation. Mr Bennett was invited to join the meeting and Members questioned Mr Bennett as follows:
16. Councillor Vickers noted that the extension would be visible from the adjacent public footpath. He asked whether the hedge would be retained, since this would largely obscure the extension. Mr Bennett confirmed their intention was to retain the hedge, which would be replanted if it had to be removed as part of construction work.
17. Councillor Hilary Cole asked if the proposed extension had been discussed with the objectors at Hollytree Cottage. Mr Bennett indicated that they had mentioned their plans to extend when they moved in, but the response had made it clear that there may be some difficulties. He considered that it was anticipated that it would have been difficult to reach a consensus on any extension with the residents of Hollytree Cottage.
18. Councillor Benneyworth asked whether steps had been taken to minimise overlooking. Mr Bennett stated that there was no prospect of overlooking. He confirmed that two out of the three windows on the second floor would be skylights in the roof, with the remaining window not overlooking any other property. The ground

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

floor windows would only look into their own garden with screening provided by a high hedge and fence. He stated that the extension had been situated so as to minimise disruption to neighbours, and be as considerate as possible.

19. Councillor Benneyworth asked if the applicant would be open to a condition on outside lighting to protect the dark skies. Mr Bennet indicated that he would not want to do anything to compromise the dark skies in the area.
20. The Chairman asked for further detail on whether the skylights, for example would they be obscured or openable. Mr Bennet did not have the details, but indicated that at least one would probably be openable, but would not give concern in terms of overlooking.

Ward Member Representation

21. Councillor James Cole in addressing the Committee raised the following points:
 - Fellow Ward Member, Councillor Claire Rowles had been unable to make a site visit and so would not be commenting. As was often the case in this area, a site visit could make a difference.
 - The neighbour's objections referenced the Council's policies. The evidence offered was overwhelming.
 - The photographs shown in the report were provided by the applicant and immediate neighbour.
 - Photographs showed the property to the north of Hollytree Cottage, but it was not clear as to how these were relevant to this application.
 - What was not presented was the view on arrival, which showed that Gallants View was set higher than Hollytree Cottage by 0.5 to 1m, which had implications for loss of light in winter and overlooking.
 - The photos selected did not show the view from Hollytree Cottage garden. The proposed windows on the side of the extension could impinge on the privacy of the garden since the angle would not be oblique enough to prevent this.
 - The extension to Bridgemans had been reduced to a single storey extension which did damage the view but did not damage privacy, and since this cottage was to the north, it had no impact on the light for Hollytree Cottage. However, it was different for this application.
 - Reliance on photos during the pandemic was problematic when the selection is solely down to officers who were not allowed visit the site and could therefore not see the full picture.
 - The boundary with Hollytree Cottage was screened by a tall, mature hedge, which had been allowed to grow out and was thin lower down. This hedge could not be relied on for long-term screening.
 - Issues had not been obvious to the Parish Council at first sight. When further information had been provided, there was legal justification for the Parish Council to change its mind and object on grounds of overlooking, privacy and loss of light.
 - Inkpen has a dark skies policy, so restrictions on external lighting should be sought if this application were approved.
 - Councillor James Cole also suggested that if approved, the Committee should require obscured glass for the side windows.

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

Member's Questions to the Ward Member

22. Councillor Abbs expressed surprise at the lack of evidence provided by officers and asked if the photographs on page 125 of the pack had been provided by the residents of Hollytree Cottage. Councillor James Cole confirmed that this was the case, however he was surprised by those that had been selected by officers as they did not show the problem.
23. Councillor Abbs asked how many photos were missing. Councillor James Cole was unable to answer. From visiting the site he had seen that there was a height difference of 0.5 – 1m between the properties, but was unable to submit a photograph showing this.

Member's Questions to Officers

24. The Chairman asked about site visits and the photographs. Mr Till explained that government had placed a duty on officers and committees of the council to go about planning business in the best possible way, taking account of the emergency situation with the pandemic. The consensus was that planning could continue effectively, but as part of the measures to protect the safety of officers, Members and the public, site visits should not go ahead. Officers used photographic evidence, plans and information provided by the applicants and other interested parties to assess planning applications. He refuted the suggestion that it was not possible to make an assessment of the application on the basis of the information supplied. He confirmed that the case officer had provided a selection of photographs taken from viewpoints considered to be most important in terms of evidencing the impact of the proposed development. He displayed a photograph from the pack, which served to show the height difference between Gallants View and Hollytree Cottage and disagreed that it was not possible to accurately carry out an assessment of the site. He felt that the case officer had provided a comprehensive set of information that allowed Members to make a determination. The case officer had obtained permission from the objectors to publish all the photographs they had provided and these were put on the Council's website.
25. The Chairman asked if it was fair to the case for photographs not to be attributed to the objector. Mr Till explained that planning officers tried to present a well-rounded overview of issues for Members. He did not consider the objector's photos to be biased in any way, since they could have been taken if a site visit had been made, so it was reasonable to include them.
26. Councillor Jeff Cant asked if the view from a public footpath was a relevant planning consideration. Mr Till stated that as this site was in the North Wessex Downs Area of Outstanding Natural beauty public views were important, including those from public rights of way.
27. Councillor Cant suggested that the views from the footpath were less important than from the road, and asked about the Parish Council's view. Mr Till confirmed that the views from the footpath were of equal importance to other views. He explained that the Parish Council had initially submitted a response of no objection, but the clerk had advised that a second vote had been taken, but had yet to be minuted, which was reported in their revised response objecting to the application.
28. Councillor Benneyworth asked about overlooking. Mr Till stated that there were two windows for the bathroom and bedroom that would face north. He displayed a plan showing the extension and indicated that the bedroom window would have a limited view across the neighbouring property and would not overlook any of its windows. He noted that it would somewhat overlook the private amenity space of Hollytree

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

Cottage. He suggested that if Members had concerns, then a condition could be imposed requiring the glass to be obscured and fixed shut unless the windows were more than 1.7m above the floor of the room. However, his professional view was that the degree of overlooking would be very limited.

29. Councillor Benneyworth asked for confirmation that there was not window-to-window sight lines. Mr Till confirmed that there was none on either side of the extension.
30. Councillor Abbs asked for the distance between the ridge of the proposed extension and Hollytree Cottage. Mr Till estimated it to be approximately 10-11m.
31. Councillor Abbs noted that there was no shadow diagram provided, but he had used an online tool (findmyshadow.com) to look at the impact over the winter months. This showed a shadow length of 25-30m, which would shade large parts of Hollytree House and its garden. He suggested that the loss of light could be a significant factor. Mr Till explained that a year-round light assessment was often requested. He noted that shadows cast in winter were generally long, but a building control assessment would be on the basis of levels of light throughout the whole year. He confirmed that it was common for buildings that were side-by-side to have some level of shading, but in this case it would not affect levels of light reaching windows in the rear of the property. He suggested that the main impact would be on light levels in the garden during the winter months when it would be somewhat less used.
32. Councillor Abbs referred to the photographs on page 125, which appeared to show a view that would be blocked by the extension. Mr Till disagreed. He conceded that part of the extension would be visible, but mainly the single storey part. Councillor Abbs noted that the photos had been provided by the objector rather than from a site visit.
33. Councillor Carlyne Culver noted conditions on page 112 requiring new brickwork to match the existing brickwork. She asked if similar requirements could be imposed on other materials and the windows. Councillor Hilary Cole noted that details had to be submitted for approval. Councillor Culver indicated that there was a requirement for the brickwork to be matching, but not any of the other materials or windows. Mr Till indicated that conditions could be varied to achieve this.
34. The Chairman noted that the Parish Council had the opportunity up to 48 hours before the meeting to make a submission to the Committee, but had not done so. Mr Till confirmed this was correct.

Debate

35. Councillor Vickers opened the debate. He stated that he had visited the site and felt the decision to be quite balanced. Although it was a large extension, he could accept its subservience to the main building. He suggested that it would change the character of the area somewhat, but it was not a listed building, and he would follow the Conservation Officer's advice. He suggested including the additional condition relating to the windows. With regards to lighting, he noted that the hedge between the two properties would shadow a large part of the neighbour's garden and he suggested that the extension would not make a significant difference because it was further away. Similarly, he did not feel that the view would be sufficiently obscured to refuse the application. Furthermore, he felt the view from the public footpath would be acceptable and if the hedge were removed, this could help to widen the path at its narrowest point. He also noted that the hedge was not in a good state and replanting would be covered by the arboricultural condition.
36. Councillor Abbs suggested that there would be impact in terms of shadowing from October to March. He noted that the lack of data required the Committee to make

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

- assumptions. He indicated that he would have accepted a single storey extension, and that the difference in ground levels accentuated the height of the ridge. He concluded that he was unwilling to accept the proposed development due to the significant overshadowing impact on the neighbouring property. He noted that a shadowing study would have allowed the Committee to make a better informed decision. He proposed to defer the application until better information was provided.
37. Councillor Hooker asked if there was a seconder for the proposal to defer. The proposal was not seconded.
 38. Councillor Cant noted that the Parish Council had chosen not to make a representation, which suggested they did not have strong views. He proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Barnett.
 39. Councillor Benneyworth noted that it was an historically important part of Inkpen and so the Conservation Officer's report was important. He suggested that homes needed to be fit for modern use. He felt that the proposal would bring the house up to modern standards and supported the Officer's recommendation.
 40. The Chairman asked about the condition that had been proposed in relation to the windows being closed and obscured, and suggested that the bathroom window could have restricted opening to aid ventilation.
 41. Mrs Sharon Armour confirmed that the proposal could be amended if the proposer and seconder agreed. Both parties agreed. Simon Till noted that the window was a roof light and suggested that the condition restrict the amount it could be opened to 20cm.
 42. Councillor Culver asked that the condition be amended to ensure materials and windows match the existing with white window frames back and front.
 43. Councillor Benneyworth asked for a condition relating to dark skies and also asked if permitted development rights could be removed. Mr Till indicated that a condition could be imposed requiring details of any external lighting for the extension to be submitted and approved, including a lux plan with detailed levels and lighting types. He indicated that removal of permitted development rights was addressed in Condition 10 in respect of extensions and outbuildings.
 44. Councillor Hilary Cole highlighted emerging policies in the Local Plan regarding dark skies, which should reassure members.
 45. The proposer and seconder confirmed they were happy to support the proposed amendments to conditions.
 46. The Chairman invited Members of the Committee to vote on the proposal by Councillor Cant, seconded by Councillor Barnett to grant planning permission. At the vote the motion was carried.

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.

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

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:

1984-100B (Site Location and Block Plan), 1984-103A (Proposed Floor and Roof Plans, Elevations and Section) and Existing Floor Plans, Elevations and Section A (Rev A) received 10th November 2020

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

3. Samples of Materials

No above ground level development shall take place until a schedule of all materials and finishes visible external to the building, including roof tiles, ridge and hip tiles, bricks, and timber cladding, have been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006- 2026).

4. New Brickwork to Match Existing

All new facing brickwork, including works of making good, shall match the existing brickwork in terms of bricks (size, colour and texture); mortar (mix, colour and texture); joint profile; and bond.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006- 2026).

5. New Windows / Areas of Glazing and Doors

No works to window/door/roof openings shall take place until detailed plans and specifications of such works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include materials and finishes, at a minimum scale of 1:20 and 1:2. The windows/areas of glazing/external doors shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

6. Eaves / Fascia

No works shall take place to the roof until full details of the eaves and fascia, at a minimum scale of 1:20, have 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 details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

(February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

7. Rooflights

Rooflights are to be conservation type, fitted flush with or below the roof covering. The rooflights shall be installed in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

8. Tree Protection Scheme

No development (including site clearance and any other preparatory works) shall commence on site until an Arboricultural Survey and Impact Assessment in addition to a scheme for the protection of trees to be retained is 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 such fencing shall be erected prior to any development 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.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

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.

9. Arboricultural Method Statement

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

Reason; 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.

10. Permitted Development Restriction (Extensions/Outbuildings)

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, reenacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding area. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006) and the Town/Village Design Statement for Inkpen.

11. Hours of Work (Construction)

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers, and in the interests of preserving the strong sense of remoteness, tranquillity and dark night skies of the North Wessex Downs AONB. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), and Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026).

Informatives

1. NPPF

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

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 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. PROW

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.

4. Visitors to be made aware of PROW

The applicant is advised that all visitors to the site should be made aware that they would be driving along a Public Right of Way. As a result they should drive with caution when manoeuvring into and out of the site and should give way to pedestrians, cyclists and equestrians at all times.

5. No encroachment on PROW

Nothing connected with either the development or its construction must adversely affect or encroach upon the Public Right of Way (PROW), which must remain available for public use at all times. Information on the width of the PROW can be obtained from the PROW Officer.

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

6. PROW notification (services)

The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the Public Right of Way.

7. PROW Levels

Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the Public Right of Way, to a specification to be agreed with the Local Planning Authority prior to development commencing.

8. 21 days notice

The applicant is advised to give the Local Authority 21 days notice prior to the development commencing. Before the development starts, the Local Authority must obtain from the applicant a written undertaking that they will meet any costs incurred by the Local Authority in the repair of the surface of the Public Right of Way, as a result of construction traffic using the route.

9. No alterations to PROW surface

No alteration of the surface of the Public Right of Way must take place without the prior written permission of the Rights of Way Officer.

10. Risk Assessment

I would like to add that the footpath (Inkpen 14/1) appears to be heavily used and due to the tight nature of the site and only a fence panel and hedge line between the proposed building site and the footpath, please ensure that users of the footpath are included within developments' risk assessment. For example,- protection from noise, dust, fumes, impact (from debris or digger/crane arms) and objects falling from height (tiles during roofing for example). Appropriate warning and prohibition signage would also need to be present for footpath users to see.

11. Site Access

It looks like site access will be up the drive and around the northern side of the property, but in the event access plans result in footpath use for access- Please remember footpath user safety in the risk assessment.

12. Damage to footways etc.

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.

13. Damage to carriageway

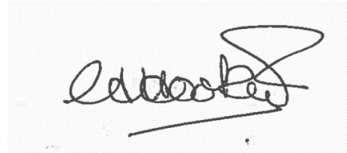
The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

47. Appeal Decisions relating to Western Area Planning Committee

There were no appeal decisions relating to the Western Area.

(The meeting commenced at 6.30 pm and closed at 8.50 pm)

WESTERN AREA PLANNING COMMITTEE - 3 FEBRUARY 2021 - MINUTES

A handwritten signature in black ink, appearing to read 'Edwards', with a large, stylized flourish above the name.

CHAIRMAN

Date of Signature

17 March 2021