

Note: These minutes have been approved. Please see minutes of 13/10/2021 for any amendments.

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 22 SEPTEMBER 2021

Councillors Present: Phil Barnett, Dennis Benneyworth (Chairman), Hilary Cole, Carlyne Culver, Clive Hooker, Erik Pattenden (Substitute) (In place of Adrian Abbs) and Tony Vickers (Vice-Chairman)

Also Present: Sharon Armour (Solicitor), Stephen Chard, Gordon Oliver (Corporate Policy Support) and Simon Till (Western Area Planning Team Leader)

Apologies for inability to attend the meeting: Councillor Adrian Abbs, Councillor Garth Simpson and Councillor Howard Woollaston

Councillor(s) Absent: Councillor Jeff Cant

PART I

17. Minutes

The Minutes of the meeting held on 21 July 2021 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

- **Point 7, page 5:** the word 'not' had been omitted and the first line should read: 'The Minutes of the meeting held on 30 June 2021 were not available for this meeting';
- **Item 1, page 15, paragraph 46:** the word 'would' to be replaced with 'could'.

18. Declarations of Interest

There were no declarations of interest received.

19. Schedule of Planning Applications

(1) Application No. and Parish: 21/00596/HOUSE, Spindlewood, 50 High Street, Kintbury, Hungerford

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/00596/HOUSE in respect of Spindlewood, 50 High Street, Kintbury. Approval was sought for erection of 6.06m x 2.44m outbuilding in the front garden of Spindlewood (50 High Street, Kintbury) - right side of the garden when looking at the property from the road - to include a storage area, kennel and small home office.
2. Scott Houston, Planning Officer, 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 Service Director for Development and Regulation be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Ms Sophie Meaney, applicant, addressed the Committee on this application.

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Applicant Representation

4. Mrs Sophie Meaney in addressing the Committee raised the following points:
 1. The proposal had been comprehensively described by the Planning Officer in his presentation.
 2. The plot was unusual in that it had a small rear garden and a large front garden, so it was not possible to put the outbuilding at the rear of the property.
 3. They had tried hard to minimise any impact from the proposal and it would not be visible from the road.
 4. The proposed building was small and practical.
 5. There would only be a very slim view of the structure through the slats in the fence.

Member Questions to the Applicant

5. Councillor Tony Vickers asked if there would be surface drainage associated with the proposed structure. Mrs Meaney replied that the proposal was limited to the shed only.
6. Councillor Phil Barnett noted that it would be used as a home office and asked if the applicant intended to use it long-term or just temporarily. Mrs Meaney indicated that she and her husband worked from home and expected to continue to do so for the foreseeable future.
7. Councillor Carlyne Culver asked about the likely use of the building as a kennel, including the number of dogs and times of day, and highlighted the potential for associated noise impacts. Mrs Meaney stated that they had one dog and they only intended to use the kennel for short periods so the dog could dry off after muddy walks.
8. Councillor Clive Hooker noted that the main concern expressed by the Parish Council appeared to be colour and asked the applicant for her thoughts on this. Mrs Meaney indicated that she would be happy for the rear to be painted green to blend with the garden. However, she indicated that she would prefer the rest to be painted black to match the fence.
9. Councillor Erik Pattenden asked how the building would be partitioned and the relative proportions of the proposed uses. Mrs Meaney confirmed that it would be divided as follows – $\frac{1}{4}$ kennel, $\frac{1}{4}$ storage, $\frac{1}{2}$ office.

Ward Member Representation

10. Councillor James Cole in addressing the Committee raised the following points:
 - The application had been called in at the request of the Parish Council and as Heritage Champion, he understood that large lumps of black did not sit well in the street scene within the Conservation Area.
 - The Parish Council did not want to see a shed next to the road and felt that it would set a precedent for other houses in the Conservation Area.
 - The Parish Council did not accept that the colour was acceptable within the Conservation Area.
 - Residents who bought a property within a Conservation Area should accept the need to fit in with the existing scene.

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- From the site visit, Members had seen that there was already a large lump of black in the form of a fence. A Member of the Committee had suggested that the fence was higher than the permitted 2m. Members had assumed that the fence belonged to the next-door property, but he had been advised that it belonged to No. 50. He questioned whether the fence had been given planning permission.
- He noted from the update sheet that Planning Officers considered the black colour to be appropriate and reference other examples of black timber cladding within the High Street Conservation Area, including at Sycamore Farm and Osmington House, 70m to the north-west.
- He had asked a Parish Councillor involved in the Conservation Area reassessment programme to have a look. They had confirmed that as far as the view onto the road was concerned, Osmington House had a hedge and flint wall, which was in keeping with the Conservation Area and did not have a large splodge of black. Also, Sycamore Farmhouse had no black. The ex-farm buildings next-door did have a small amount of black, traditional for cladding on farm buildings, amounting to 25 – 30 percent of the frontage and set back off the road. He did not consider this to be a major expanse and was brown rather than black.
- Other houses in the Conservation Area had a hedge or brick / flint walls.
- The proposed use of black in bulk was out of keeping with the Conservation Area.
- The hedge helped and much of the foliage would last through the winter, but the fence was the problem.
- Drainage needed to be conditioned if the application was approved.
- If the owner wanted to keep the outlook from their front door black, he did not have a problem with that, but the Committee should accept the Parish Council view and condition that the side of the structure facing the road should be painted dark / mid-green to break up the black colour block.
- If the existing fence was shown not to have planning permission, it should be replaced with something more in keeping with the Conservation Area and repainted more appropriately.

Member Questions to the Ward Member

11. Councillor Hilary Cole asked if Councillor James Cole was speaking on behalf of the Parish Council and if he was a Member of the Parish Council. She noted that there was no Parish Council representation.
12. Councillor James Cole confirmed that he was not a Member of the Parish Council and did not live in Kintbury. However, he regularly spoke to them and attended meetings. He had spoken to the Parish Councillor coordinating the reassessment of the Conservation Area, and reiterated that he was Heritage Champion for West Berkshire.
13. Councillor Vickers asked about the level of the proposed development site relative to the rest of the property. Councillor James Cole indicated that the shed would be sited on a flattened area that sat a little above the road. He suggested that it would be sensible to have a drainage condition.

Member Questions to Officers

14. Councillor Vickers asked if it was usual where adding to the building footprint to have a drainage condition. Mr Simon Till, Principal Planning Officer (Team Leader – Berkshire West) indicated that this would be addressed by Building Regulations. He

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noted that a building of this scale would usually be permitted development, but it was in a Conservation Area and it was to the front of the property, so permitted development did not apply. He indicated that he would be happy to include a condition on drainage.

15. Councillor Culver asked if there was any precedent for approving outbuildings in front gardens within the Conservation Area. Mr Till was unable to comment on any district-wide survey, but reminded Members of the need to consider each application on its own merits. He suggested that there would be many cases where an outbuilding in the front garden would be considered unacceptable and design guidance sought to avoid this. However, in assessing the site, consideration had been given to the constraints of the site, and the Planning Officer and Conservation Officer were content that the proposed building would not give rise to undue visual interference in the character and appearance of the Conservation Area. He accepted that for other sites, this may not be the case.

Debate

16. Councillor Hooker opened the debate by expressing his disappointment that the Parish Council had not been present to make representations. He noted that the application had come to Committee due to the Parish Council's objection. He indicated that he was relaxed about the application and was in agreement with Planning Officers. He noted that much had been made of the fence height, but stressed that this aspect was not being considered as part of this application and should not influence the Committee's decision. He agreed that the issue of drainage should be addressed but noted that this would normally be picked up through Building Regulations. He suggested that a condition would simply require a drainpipe to a soakaway. He reiterated the point that this would be permitted development in other locations.
17. Councillor Barnett agreed with Councillor Hooker's concern that a small application had incurred a lot of time and expense by bringing it to Committee. He had few concerns about the proposal, but asked what services would be required other than electricity. He noted that a hardstanding was already in place, but the drive and front garden consisted of hardcore and free-draining materials, so he questioned the need for a drainage condition.
18. Councillor Hilary Cole noted that there had been much made of the colour of the building - Councillor James Cole had referred to "lumps of black". However, the photographs showed that the hedge obscured the building, so she did not feel that the colour was an issue. She had been informed by a garden designer that things painted green did not blend with the foliage, while black was a recessive colour. Therefore, she did not feel a condition should be imposed requiring the applicant to paint the rear of the building green. She indicated that she took a dim view of the Parish Council failing to attend to make a representation, when the application had been called to Committee due to their objection, and highlighted the time and cost implications of this. She indicated that she would support the Officer recommendation.
19. Councillor Vickers indicated that he was content with Mr Till's response to his question on drainage, but he felt that it was an important issue where people had expressed concern. He highlighted the importance of screening for the proposed development and asked if a condition could be imposed to retain the hedge and see it reinstated if it was to be lost to disease. Mr Till noted that due to the Conservation Area, the hedge would be protected from deliberate destruction without prior approval. He explained that it was not reasonable in planning terms to seek retention

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of a hedge in perpetuity, but it would be possible to apply a condition requiring the hedge alongside the High Street to be retained for a period of five years, with any shrubs that died or were lost to disease in this time to be replaced.

20. Councillor Vickers proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with an additional condition relating to the retention of the hedge alongside High Street to be retained for a period of five years, with any shrubs that died or were lost to disease in this time to be replaced. This was seconded by Councillor Hooker.
21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Hooker to grant planning permission. At the vote the motion was carried.

RESOLVED that the Service Director for Development and Regulation 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:

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

3. Materials (as specified / to match)

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

4. Incidental use

The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes incidental to the residential use of the dwelling known as Spindlewood, 50 High Street, Kintbury.

Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development, and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policy C1 of the Housing Site Allocations DPD 2006-2026.

5. Soft landscaping

The existing hedge to the site boundary alongside the High Street shall be retained throughout the course of development of the building hereby approved and for a period of 5 years following its first occupation.

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During this time any trees or shrubs within the hedge that are removed, die or become diseased shall be replaced by trees or shrubs of a similar variety and size except where agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to preserve the character and appearance of the street scene and conservation area in accordance with the objectives of the NPPF (July 2021) and Policy CS14, CS18, and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

Informatives

1. Objections/Support received

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. Compliance with approved drawings

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

3. Compliance with conditions

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

4. Building Regulations

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given.

You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control.

5. Hedge Protection Informative

- To ensure that the hedge, which is to be retained, is protected from damage, ensure that all works occur in a direction away from the hedge.
- In addition that no materials are stored within close proximity i.e. underneath the canopy of hedge to be retained.
- Ensure that all mixing of materials that could be harmful to hedge roots is done well away from hedge (outside the canopy drip line) and downhill of the hedge if on a slope, to avoid contamination of the soil.

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- To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
- If this is not possible due to working room / access requirements The ground under the hedges' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil.
- If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife.
- If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.

(The meeting commenced at 6.33 pm and closed at 7.19 pm)

CHAIRMAN

Date of Signature