

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 22 NOVEMBER 2023

Councillors Present: Adrian Abbs (Chairman), Clive Hooker (Vice-Chairman), Phil Barnett, Patrick Clark, Heather Codling, Carolyne Culver, Tony Vickers and Howard Woollaston

Also Present: Sharon Armour (Principal Lawyer - Planning & Governance), Emily Ashton-Jelley (Environment Delivery), Paul Bacchus (Principal Engineer), Jessica Bailiss (Democratic Services Officer), Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Cheyanne Kirby (Senior Planning Officer), Gordon Oliver (Principal Policy Officer) and Simon Till (Development Control Team Leader)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth

PART I

1. Minutes

The Minutes of the meeting held on 20th September 2023 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

- Page 10, point 13: Councillor Codling to be referred to as 'she'.
- Page 15, point 14 under the Debate to be corrected to 'Councillor Codling'.
- Page 15, second bullet point from the top to read as follows: The ecology 'report'.
- Page 15, point under the Debate to read as follows: Councillor Gaines mentioned that there had been a lot of concern raised about the septic tank and bore hole, but they were not planning matters.
- Item 4(2), 23/01686/FUL, Orchard Day Nursery, Everington Bungalow, Yattendon: Councillor Carolyne Culver recalled that it had been agreed that informatives should be added regarding the septic tank and bridge.

The Chairman voiced his concern with signing the minutes given the level of errors. The video evidence would need to be checked to see if what had been raised by Councillor Culver was correct. *(Democratic Services have reviewed the recording from the meeting that took place on 20th September and can confirm it was agreed that the Construction Method Statement be an additional condition with bridge improvements to aid access named as part of that. Additional Informatives were also agreed in relation to the bore hole and septic tank.)*

Mr Till believed that the decision notice for the item had been issued. Mrs Sharon Armour suggested that the points be noted in the current minutes and Officers would need to check the decision notice and report back to the Committee on whether the informatives had been included. The Chairman raised his discontent with what was a substantial error. Mrs Armour clarified that there was uncertainty as to whether an error had been made.

- Item 4(2), 23/01686/FUL, Orchard Day Nursery, Everington Bungalow, Yattendon: Councillor Howard Woollaston believed that the condition had been agreed to allow ten years for tree planting and screening. The proposed consent had detailed only five years and Councillor Woollaston reported that he had queried

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this with Officers at the time and asked for confirmation that this had been changed to ten. Mr Till stated that he would check this point and report back to Committee.

The Chairman raised concern that there were two substantive issues with the minutes. Mrs Armour concurred with concerns regarding the condition and advised that any possible inaccuracies would be noted in these minutes. The decision notice needed to be checked and, if an error had occurred, Officers would need to look in to changing the decision using the appropriate mechanism.

RESOLVED that:

- Officers would check the recording and decision notice for Item 4(2) 23/01686, Orchard Day Nursery, Everington Bungalow, Yattendon, and report back to the Committee on whether the informatives concerning the septic tank and bridge had been agreed and if these had been included in the issued decision notice.
- Officers would check the recording and decision notice for Item 4(2) 23/01686, Orchard Day Nursery, Everington Bungalow, Yattendon, and report back to the Committee on whether a condition had been included that increased the time allowed for tree planting and screening to ten years.

2. Declarations of Interest

Councillor Howard Woollaston declared an interest in Agenda Item 4(1) because it related to his ward. Councillor Woollaston reported that as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Clive Hooker declared an interest in Agenda Item 4(2) because it related to his ward. Councillor Hooker declared that he had been contacted regarding the application however, only in relation to the process of the Committee meeting. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Tony Vickers declared an interest in Agenda Item 4(3) because it related to his ward and he had taken an interest in the application and called it in. He would listen to the debate on the item and decide accordingly. Councillor Vickers reported that as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

3. Schedule of Planning Applications

The Chairman proposed that agenda item 4(3) be considered first on the agenda.

Councillor Hooker proposed that agenda item 4(2) be considered second on the agenda.

Both proposals were seconded and at the vote they were carried.

RESOLVED that the agenda items would be considered in the following order: 4(3), 4(2), 4(1).

- (1) **Application No. and Parish: 23/01260/HOUSE - Kates Cottage, Craven Road, Inkpen, Hungerford**

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1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/01260/HOUSE in respect of an additional vehicular access and new workshop building.
2. Ms Kirby 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 unsatisfactory in planning terms and officers recommended that the Development Manager be authorised to refuse planning permission for the reasons listed in the main and update reports.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. He indicated that the existing access to the south of the property would be improved. It was proposed to create an additional access onto the Public Right of Way (PRoW) to the north of the property. PRoW officers had not raised any objection. Vehicular access to the public highway would be unchanged. The property would generate a small number of vehicle movements per day (estimated at three in and three out), which would not be sufficient to warrant refusal. However, the reason for refusal on highway drainage issues remained.
4. In accordance with the Council's Constitution, Dr David Thomas and Mr Darren Durham, Parish Council representatives, Ms Briony Malden and Mr Duncan Wolage applicant/agent, and Councillor Tony Vickers, Ward Member, addressed the Committee on this application.

Parish Council Representation

5. Dr Thomas and Mr Durham in addressing the Committee raised the following points:
 - The additional access was at an accident black spot on Craven Road – it was felt to be unnecessary and would create additional risk.
 - Craven Road was the main road between Inkpen and Hungerford. While it was well-known by residents, it was not known to visitors and there were frequent altercations on this part of the road.
 - Limited space would result in people reversing from the access onto a blind spot.
 - Without the ability to turn round, vehicles would be forced to continue into Inkpen to find a suitable turning location.
 - The road was not wide enough for vehicles to pass and this location had traditionally been used for vehicles to pull in.
 - Google maps and the site plans did not convey the dangerous nature of this part of the road.
 - For the above reasons, the Parish Council felt that this element should be rejected.
 - It was alleged that the Highways Officer had ignored the report from the PRoW Officer that the northern frontage of Kates Cottage formed part of the highway. This affected the conditions related to turning circles.
 - The PRoW map showed the impact of the application.
 - Policy CS16 applied in this instance.
 - The Council's Drainage Engineer had raised objections on the application. The planned soakaway contravened a mandatory building regulation H2 Drainage - Fields and Mounds paragraph 1, sub-paragraphs 27-30.

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- The plan that accompanied the application was misleading, as it did not show the extent of hedging and landscaping, or the topography.
- The proposed driveway to the north of the property would obliterate the amenity land on this side of the dwelling and represented severe over-development of the site, with only around a quarter of the plot retained for amenity use.
- Developments of this sort were unsympathetic to the conservation area and were not considered climate friendly.
- There was little point in the Parish Council trying to deliver rewilding projects when developments approved by West Berkshire Council often did the opposite.

Member Questions to the Parish Council

6. Members asked questions of the Parish Council representatives and were given the following responses:
 - To the north of the property, there was a kink in the road, which meant vehicles could not pass. Vehicles travelling towards Inkpen had to pull into the area in front of Kates Cottage. Drivers sped up if they could not see a vehicle travelling in the opposite direction, and there were often altercations. Large vehicles such as refuse lorries or buses could cause problems.
 - There were no concerns about the volume of traffic that would use the new access. The Parish Council's concern was that vehicles would not be able to turn and would have to reverse out onto a blind bend.

Applicant and Agent Representation

7. Ms Malden (Applicant) and Mr Wolage (Agent) in addressing the Committee raised the following points:
 - The applicants had been undertaking sympathetic renovations to the property to ensure the continued presence of this period property, while bringing it up to modern standards.
 - The last stage of the renovations included applying to open up the existing access for use, as well as a garage and workshop for personal use. This would also improve the site for future residents.
 - The reason for moving the driveway was to make access to the house easier and on the same level. The applicants had elderly relatives with mobility issues, who currently found it difficult to visit. The applicants also had a small child and manoeuvring prams and car seats was difficult with the existing site layout. Moving the driveway would provide more immediate access to the property without the need to access the stairs.
 - There had been no objections from consultees with respect to the proposed access.
 - Accidents mentioned by the Parish Council were all related to speed. The existing access served two properties and none of the accidents were related to traffic using this access. If the speed limit was obeyed, there would not have been any accidents.
 - The initial plans for the workshop included an office above, but there were concerns about the height of the structure and the impact this might have on the area. The applicants had listened to these concerns and had amended the plans

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to remove this second storey. There had been no objections to the amended plans.

- The only reason for refusal was the drainage and the potential risk of flooding. It was argued that the proposal would not have a harmful effect on flooding since the permeability of the site would not change and the area did not flood at the moment. However, the applicant was happy to provide the requested information as a condition of planning approval. A percolation test was carried out on land to the north of the property when the sewage treatment plant was put in, and it was found to be suitable for this purpose. The applicants had been advised that surveys could be expensive, and it was considered reckless to conduct the surveys unless they were a condition for approval.
- All previous concerns had been addressed and were now considered acceptable by the Planning Officer and relevant consultees. The only reason for refusal was insufficient information about drainage. The Council's Drainage Engineer had insisted that the information be provided pre-determination, rather than as a condition, which was considered to be the normal approach.
- The Council's Drainage Engineer had been helpful in advising about the methodology for surveys and had indicated that he only took an interest in minor applications where they may have a serious impact and significant flood risk issues, or if the proposal was unlikely to work. It was argued that the proposal would not have a harmful effect on flood risk and the applicants were happy to provide the information at a later date to show that the scheme worked. They did not want to spend significant sums without the certainty of having the approval. It was hoped that the Committee would be minded to approve the application with the drainage condition.

Member Questions to the Applicant and Agent

8. Members asked questions of the agent representative and were given the following responses:
 - The northern access was originally a pedestrian access. It was opened up to remove the oil tank and to replace the old septic tank with a modern sewage treatment plant. It was considered that cars would be able to enter and exit the site in a forward gear and vehicles would not reverse onto the road.
 - Accesses to the north and south of the property were pre-existing. The north access was pedestrian only, and the south access was a driveway. The sewage treatment plant was located to the north of the property.
 - Provision of drainage information was almost always sought as a condition of approval, to be provided and approved prior to commencement. The applicants did not want to commit the additional expenditure to show that the drainage worked, if the other aspects of the development were not approved. The case officer had recommended refusal due to the lack of drainage information, but the applicants had asked for it to go to Committee to seek approval with a condition imposed. If the condition could not be met, then the permission could not be implemented. Drainage conditions had been attached to other planning permissions on the road, so the applicants did not understand why this was a pre-condition in this case.
 - The applicants confirmed that they had only been told a week prior to the meeting that the drainage issue was the sole reason for refusal.

Ward Member Representation

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9. Councillor Vickers in addressing the Committee raised the following points:

- Members of the Committee had attended the site visit to see the issues first-hand.
- The access on the north side was already a pedestrian access, and there was already a hardcore surface, so there was already an issue with the permeability of the surface, but this could be corrected if necessary.
- There had been no injury related accidents in the vicinity of the site, and none of the accidents had been caused by vehicles entering or leaving the pull-in, which was not highway land.
- There was just one access serving three properties.
- It was reasonable for the applicants not to have submitted all of the requested information at this stage. They had wanted to know that all of the other issues had been resolved before going to the expense of commissioning an expensive, detailed drainage report.
- The steps that led down from the top of the site to the southern access were difficult for a family with a young child to negotiate.
- It had been suggested that because of the lack of amenity space, the property was not suitable for a young family, but it was important to be able to get in and out of the house from a safe place off the highway.
- The applicants were doing the area a favour by restoring the house and bringing it back into use, while reducing its carbon footprint.
- Previous concerns with the application had all been addressed.

Member Questions to the Ward Member

10. Members asked questions of the Ward Member and were given the following responses:

- Although the owners would have been aware of the limitation of the property when they bought it, they were entitled to try and make the changes that suited their personal circumstances. Although there may have been other ways to address the issues, this was the application in front of the Committee for consideration.

Member Questions to Officers

11. Members asked questions of the Officers and were given the following responses:

- Officers were happy with all aspects of the application other than the drainage.
- It was confirmed that vehicles would be able to reverse onto the public right of way and enter the road in a forward gear.
- There was no policy for amenity space in relation to house extensions, but for a new dwelling of this size, the minimum amenity space would be 75m². There would be at least 200m² of usable amenity space at the property if the development was to go ahead.
- The reason for requesting drainage data in advance of determination was to be able to assess whether the development would lead to a risk of flooding. The Drainage Engineer had to base his assessment on his own research, which showed that the site might be underlain by clay, which would preclude the use of the proposed infiltration devices. If there had been another option for discharge of run-off from the site, then he would not have been concerned, but there was no alternative and so it may not be possible to get rid of surface water from the site.

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Therefore, there may have been an increased flood risk for the highway that would contravene CS16 and the NPPF.

- Officers would seek to impose conditions where it was possible to do so, but the Drainage Engineer had confirmed that it was not possible in this case. In the past, there had been applications consented with conditions, where it had transpired later that the condition could not be discharged so the permission could not be implemented. A condition had to be reasonable – this was a test of the NPPF. If it could not be implemented, then it would be considered unreasonable, and the Council would have no grounds to defend it at appeal. Each site was treated on its individual merits and there were particular site-specific constraints in this case, which could affect drainage. Officers considered that they did not have enough information to be satisfied that a condition requiring further drainage information would be appropriate and a SuDS scheme would be workable.
- The site was previously laid to grass, but this had changed as part of recent building works. Officers stressed that they needed to base their recommendations on evidence, and if the applicants refused to provide the evidence, then officers would be unable to make a recommendation for approval.
- The case officer had written to the applicant on 13 October 2023 to ask if they would submit additional information in relation to drainage matters. The case officer had made it clear that if additional information was not submitted, then the officers' recommendation would be for refusal and the matter would be considered at Committee. The applicant acknowledged the correspondence on the same day.
- The width of the site was around 9m and a vehicle turning facility could be provided within the site so vehicles would not have to reverse onto the public right of way. However, Highways could not insist upon this. They could only insist that provision be made for vehicles to drive onto the highway in a forward gear if the road was classified. The public right of way was not a classified highway.
- It was suggested that the correspondence between the case officer and the applicant should be put on the Planning Portal.

Action: Planning Officers to upload the correspondence onto the Planning Portal.

- Officers advised that the information provided was insufficient to confirm that the proposed drainage strategy would be workable and so it may not be possible to comply with a condition that required further information to be provided or compliance with that drainage strategy. Such a condition would not meet the tests set out in the NPPF.

Debate

12. Councillor Vickers opened the debate. Prior to the meeting, he had been minded to approve the application subject to a drainage condition, but he felt that the applicant could be misled if the Committee overturned the officers' recommendation and such a condition could be unreasonable. He indicated that additional conditions may need to be considered if the application was approved. If the Committee refused the application on drainage grounds, then he felt it important to reassure the applicants that the other aspects of the application were considered acceptable. He commented that no water had been observed running off the site onto the highway at the site visit.
13. Councillor Patrick Clark asked if the application could be deferred. It was confirmed that this was an option.

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14. Councillor Heather Codling indicated that it was disappointing when applicants did not take the professional advice of officers. She proposed to accept the officers' recommendation and refuse planning permission for the reasons listed in the main report and update report. This was seconded by Councillor Clive Hooker.
15. Councillor Phil Barnett highlighted that the applicants would need to submit a fresh application if the current application was rejected.
16. Councillor Carolyne Culver noted that a recent planning application had been approved with a drainage condition, even though a proper drainage assessment had been requested but not provided. She expressed concern over the lack of a consistent approach. She indicated that she had voted against approval of that application and she indicated that she was inclined to do the same for this one.
17. The Chairman invited Members of the Committee to vote on the proposal by Councillor Heather Codling, seconded by Councillor Clive Hooker, to refuse planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to refuse planning permission for the reasons set out in the report and update report.

(2) Application No. and Parish: 22/02870/FUL - Greengates, Front Street, East Garston

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/02870/FUL in respect of the demolition of an existing structurally compromised cottage and provision of a replacement cottage, with provision for access and related landscaping.
2. Ms Cheyanne Kirby 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 Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. Mr Goddard stated that as mentioned in the Officer's presentation, the property did have an existing access to the northern side that served one parking space. The proposal before the Committee was to provide an access to the rear of the building to provide three car parking spaces. This would cause an increase in the amount of vehicle movements out of an existing access that had virtually no sight lines. As a result, Highways Officers had advised to have the building set back to provide some sight lines to the south across the site.
4. Mr Goddard advised that the access between the proposed dwelling and the neighbouring property's garage to the north was also considered too narrow and a wider access had been sought to go to the rear of the property. This would involve moving the proposed property 2.4 metres back from the road and 0.4 metres to the south, widening the access overall. Taking this into account, Highways Officers were satisfied with the provision of the access.
5. Mr Goddard added that during the construction phase there would be a temporary access on the southern part of the site that would enable materials to be delivered during construction. This was set out within the Construction Management Plan that had been submitted. In conclusion Mr Goddard confirmed that Highways Officers had no objections to the proposal.

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6. In accordance with the Council's Constitution, Ms Sue Tulloch, Parish Council representative, Mr Anthony Banfield, Ms Lindsey Mason and Mr Martyn Wright, objectors, Mr Rob McLennan, agent, and Councillor Clive Hooker, Ward Member, addressed the Committee on this application.

Parish Council Representation

7. Ms Tulloch in addressing the Committee raised the following points:
- The development of Greengates was highly controversial and 27 villagers had raised concerns across two applications.
 - Greengates sat within the Conservation Area and Area of Outstanding Natural Beauty (AONB). There was disappointment to be losing a quality heritage asset, particularly as others in the village had been preserved rather than destroyed.
 - The Conservation Officer consultation response was clear that the footprint of Greengates should not be repositioned in order to protect the street scene and character of the conservation area. The Parish Council fully supported this view.
 - Regarding the access, there was currently no vehicle access to the rear of the property. The application justified the relocation of the main dwelling to the southeast to provide this access. Space to deliver access in excess of the Highway's minimum already existed on the southeast side of the cottage. The Parish Council therefore did not understand the need to change the footprint of the main dwelling.
 - The exact measurement of the relocation had been repeatedly challenged as inaccurate. To meet the Highway's minimum access width, the main dwelling would have to move almost one metre closer to neighbouring properties and not five metres as quoted.
 - No public benefit could be demonstrated by the relocation of the dwelling. Negative impacts included an adverse impact on the street scene; character of the conservation area; neighbouring residential amenity and the need to change a shared out-building into an unorthodox shape.
 - The application justified moving the main dwelling back in the plot by over 2.5 metres to improve visibility splays. The response from Highways did not address the particularities of the individual development. The Parish Council felt that the reasoning in the report to overrule conversation criteria to deliver highway and public safety was overstated.
 - It was a quiet single track rural lane and no cottages had sight lines in the area. Removal of the pinch point would encourage on-street parking.
 - Regarding the design, there was no subservience between the two buildings and the application would result in a 62 percent increase in floor space.
 - There was no mention of the Council's Local Plan in the Planning Officer's report or the Housing Site Allocations Development Plan Document. The report also did not refer to Policy C7, which the Parish Council felt the application was in conflict with.
 - There was fear that the provision of two separate buildings would provide the opportunity for two separate dwellings in the future. There was no mention of conditions to prevent this.
 - It was felt that the current application had not received the same level of scrutiny compared to other applications within East Garston historically, regarding policy in

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a conservation area. There were clear breaches of policy in terms of conservation, design and neighbouring amenity.

- The planning balances in section seven of the Committee report gave highway safety as outweighing all other considerations. Given the application site was on a quiet lane in the middle of a conservation area, this seemed astonishing. If planning was granted on these grounds, it would be unprecedented.
- The Parish Council wished for the application to be refused in its current form and requested further amendments to ensure it complied fully with all aspects of planning policy.

Member Questions to the Parish Council

8. Members asked questions of the Parish Council representative and were given the following responses:

- Ms Tulloch confirmed that when she had mentioned the safety being overstated this was in relation to highway safety and not the building.
- The Parish Council were not questioning that something needed to be done with the site however, wanted something that would not lose the heritage value of the site. A modest extension would likely be acceptable however, it was the size, scale and height of the proposal that the Parish Council objected to.
- The Parish Council agreed that parking was required on the site however, there was already access to one side of the building and therefore it was not understood why the building needed to be moved.
- Ms Tulloch confirmed that she had meant half a metre rather than five metres, in terms of how close the main dwelling would have to move to neighbouring properties to meet the minimum highways width.
- Regarding what had been meant by minimum visibility improvement, Ms Tulloch asked for a slide to be reshown showing the street view, which showed that there would be minimal improvement to visibility by moving the building back 2.5 metres. Moving the building back would also encourage cars to park on the stretch of road in question.

Objectors Representation

9. Mr Banfield, Ms Mason and Mr Wright in addressing the Committee raised the following points:

- Mr Banfield stated that Greengates was occupied as a private dwelling until 2020. Objectors endorsed the comments made by the Parish Council.
- The Committee report did not address the relevant matters including the disproportionate size and scale of the development; sight lines and vehicle access; and residential amenity.
- The proposal did not comply with policy regarding the size and scale. It was in conflict with policy C7 and ENV23. More than a 50 percent increase in size was considered disproportionate.
- The proposal was compiled of a main dwelling and additional two storey extension. As both buildings were two storey, they would be much taller than the existing one and a half storey cottage.

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- The two storey separate extension contravened ENV24 regarding extensions to dwellings in the countryside, which set out it was important that proposed extensions were subordinate to the existing dwelling.
- To prevent the two buildings becoming two separate dwellings it was suggested that a condition should be applied if permission was granted.
- Regarding sight lines there would be no improvement in visibility to the northwest of the site, as it remained obstructed by walls that could not be demolished as they formed part of the curtilage of the adjoining grade II listed building, Cherry Cottage.
- For the development to go ahead, it would involve part demolition of Cherry Cottage's outbuilding and it was queried if this was also possibly listed.
- There was disappointment with the lack of scrutiny given to neighbouring amenity in the Committee report.
- Point 6.2 of the report was incorrect as the proposal did not comply with planning policy. The report failed to mention any of the key policies in relation to protecting neighbouring amenity including OVS5, C6 and C7.
- The addition of an extra upstairs window on the south east elevation of the main replacement dwelling and separate two storey extension building would significantly and adversely impact the private residential amenity that Ms Mason currently enjoyed. This did not comply with planning policy.
- No consideration had been given to ensuring sufficient amenity standards were maintained for Ms Mason's home. The two storey main dwelling would be 14.8 metres from her sitting room window. The two storey extension would be 12 metres from her patio doors. The West Berkshire Quality Design SPD dictated a minimum distance of 21 metres.
- Ms Mason's glass roof conservatory, kitchen diner and living room would be overlooked if permission was granted. Ms Mason hoped that the site visit had demonstrated the adverse impact the proposal would have on her property. It was hoped that the Committee would request further amendments to ensure compliance.

Member Questions to the Objectors

10. Members asked questions of the objectors and were given the following responses:

- Ms Mason confirmed that if the main building was moved back 2.5 metres and raised as proposed, it would cause three windows to overlook her property. One window would directly overlook Ms Mason's patio area.
- Mr Banfield was not aware that the policy he had referred to, providing percentages went out of date in 2012. He had however, mentioned Policy C7 as well.

Agent Representation

11. Mr McLennan was unable to join the meeting via Zoom. Members proposed and seconded, and subsequently agreed at a vote, to suspend Standing Orders and allow Mr Howard Porter to read Mr McLennan's points to the Committee.
12. On behalf of Mr McLennan, Mr Porter in addressing the Committee raised the following points:

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- There was agreement with the conclusion reached in the Planning Officer's report and it was felt it accurately reflected many months of detailed negotiations and revisions to the scheme.
- The property was first marketed in 2020. Following much interest and a number of surveys being undertaken, much of the interest had fallen away despite a £75k reduction in the asking price. This was due to the compromised structural condition of the house and lack of basic services and insulation. There was a lack of off-street parking and safe on street parking due to the proximity to the road edge.
- It was accepted that the response to the poor condition of the heritage property should be to retain where possible. The advice from the structural engineer appointed by the applicant concluded however, that renovation was not an option.
- The reason the property was proposed to be 300mms higher was due to flood plain reasons.
- The property was purchased by the applicant following a structural engineer's report establishing the plot only status. Since this time the plans were formed in conjunction with Council Officers and by using a highly respected firm of local architects, in the knowledge that the replacement principle was in accordance with the local plan development policy for such properties within the settlement boundary.
- All professional reports formed part of the application's package of documents.
- The proposal had first been submitted to the planning department as a pre-application enquiry and early officer feedback had been taken into account to amend the scheme to address concerns raised. During the formal consideration stage for the application, they had continued to refine the proposal including its design and positioning in response to ongoing dialogue with Council Officers.
- Areas addressed including heritage impact considerations, access, parking, highways safety, flood and drainage, and matters relating to trees and ecology. The final scheme was a result of these discussions and closely reflected the materials and design of the existing house. It was clarified that it would be 1.5 storeys and not two storeys as suggested.
- Improvements proposed would give the property a secure future as a family home commensurate to its large plot size. The rebuild would also allow for the new home to benefit from modern services and facilities.
- Slightly adjusting the footprint and moving the dwelling half a metre back would enable access to off-street parking and turning with the best achievable sight lines.
- It was felt that the scheme, on balance, successfully addressed all matters raised and secured a positive outcome for the difficult site.

Member Questions to the Agent

13. Members asked questions of the agent representative and were given the following responses:

- Mr Porter confirmed that a fully qualified structural engineer had undertaken the structural survey. He was not aware of any structural damage to the current property as a result of storms.
- The term plot only status established the point that the structure had no value.

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14. At the vote Members agreed that Standing Orders be reinstated.

Ward Member Representation

15. Councillor Hooker in addressing the Committee raised the following points:

- He thanked East Garston Parish Council for their attendance and the excellent presentation by the residents of East Garston.
- He advised that he had not been approached to call the application in and had not been lobbied on the item. He was not predetermined on the application and looked forward to hearing the debate.
- Greengates was located in the Downlands Ward and was located in an idyllic English village with many properties consisting of handmade bricks and thatched roofs.
- Many of the houses were adjacent to one of the country's chalk rivers, the River Lambourn.
- He sympathised with the 19 objectors and the Parish Council's sentiments as they would have to live with the Committee's decision if approved.
- East Garston was a close knit community, who were enthusiastic on retaining their heritage. Greengates was designated as a non-designated heritage building, possibly dating back to the 18th century.
- The building was not listed in the West Berkshire Conservation list of heritage assets due to its early stages of development. However, if it had been included he queried if the Conservation Officer would have required the building to be renovated rather than demolished.
- Councillor Hooker aired his frustration that the developer had not communicated properly with the community or Parish Council. If this had happened then some of the objections lodged could have been overcome.
- Sites like the one in question were sought after by developers as it gave them the opportunity to demolish small, dilapidated dwellings to get as big a replacement on a plot as possible. This brought into consideration whether the proposed development was proportionate and sympathetic to the original. From viewing the plans, Councillor Hooker estimated the proposed development was 60 percent larger than the original house and in his view was not proportionate.
- It was felt that if the two storey annex was not sympathetic and if this had not been included in the proposal, it might have been more acceptable to the community.
- There had been no communication by the developer, and this had caused much distress to the owner of the property Larkspur, which could have been avoided.
- Regarding moving the building back from the road and closer to Larkspur, this purely accommodated cars and would drastically change the rural street scene, which was of great concern to the residents of the village.
- It was queried why highways matters had impacted so greatly in overturning the Conservation Officer's decision and this was of concern as the AONB was always something that should be considered.
- Councillor Hooker asked the Committee to take consideration of the points he had outlined in the appropriate way and he hoped they would reach an appropriate decision.

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Member Questions to the Ward Member

16. Members asked questions of the Ward Member and were given the following responses:

- Regarding the materials and look of the proposal, Councillor Hooker felt that if it was approved there was no point requesting the bricks be re-used as it would not be possible to add a condition advising where they should be placed.
- Councillor Hooker had no issue with the design, layout or size of the proposal as a two bedroom house.
- Regarding the acknowledgement in the structural engineer's report regarding the amount of work required to the property and the loss of a non-designated heritage asset, Councillor Hooker felt that when buying a property this was a risk taken. If the current property was a grade II listed building that was dilapidated, it would not be possible to demolish and rebuild it. Councillor Hooker felt if the property had been designated as a heritage asset, the Conservation Officer might have requested the building be retained.

Member Questions to Officers

17. Members asked questions of the Officers and were given the following responses:

- Mr Goddard confirmed it was not suggested that an access be provided on the southern side of the building because Officers and the Committee had to consider the proposal before them. The proposal provided an access on the northern side of the building, and it was likely that this was to provide increased amenity space.
- Mr Goddard confirmed that Officers assessed what was presented to them and not all of the possibilities.
- Ms Kirby confirmed that detail regarding the bricks was included in the update sheet. Until the current building was taken down, it was not possible to know how many bricks could be salvaged. The recommendation requested that the details of any new bricks used would need to be submitted and approved by the Planning Department. Elevations had been debated at the site visit and it could be conditioned to ensure any reused bricks were used in the elevated areas. Ms Kirby advised that any new bricks, once approved by the Council, would be better mixed in with reused bricks to provide an even mix.
- Mr Simon Till reported that the report contained a number of standard paragraphs containing various legislation matters, which the Planning Team was obliged to report to the Committee. The application site was not within Flood Zone Two or Three and therefore there was no requirement for sequential tests to be applied in the circumstances.
- In reference to Policy C7, Mr Till wished to clarify a misunderstanding as it was a particularly difficult and complex area of local policy. The Housing Site Allocations Development Plan Document (HSADPD) was adopted in 2017. Policy ENV23 was largely out of date. The HSADPD provided a framework for determining housing in the countryside. Policy C1 of this framework identified the settlement boundaries for development considered to be within the settlement. 'In settlement' in planning terms meant not in the countryside area. The Parish Council and objectors had referred to Policy C7 however, this was a subsidiary policy, which referred to development in the countryside. Mr Till stated that within settlement, planning was in favour of redevelopment. As noted in the Planning Officer's report the site in

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question was within settlement. Mr Till advised that Policy C7 was not relevant for the purposes of determining the application.

- Mr Till further added that regarding demolition, it needed to be noted that there was further legislation in respect of building regulations that covered demolition. This would supersede the Planning Listed Building Consent in Conservation Areas Act (1990) in relation to condemning a building for demolition where it was not fit for safe occupation. The Conservation Officer had been consulted with regards to the current application and had not contested the findings of the applicant/agent, that the building was not viable for redevelopment as a residential dwelling.
- Ms Kirby confirmed that the conservation section within the report was taken directly from the Conservation Officer. The original amendments were for the link building to be reduced and for the footprint of the main dwelling to remain where it was currently. Discussions with Highways Officers had then suggested the dwelling be moved to where it was proposed in the application. Subsequently the Conservation Officer had commented that the relocation of the building balanced against the reuse of the current building, would have more than substantial weight and cause less than significant harm.
- Ms Kirby confirmed that the garage building that was part owned by Cherry Cottage and the application site was not curtilage listed. This had been confirmed by the Conservation Officer.
- The diagonal line shown on the block plan was there to show the partial demolition of the part owned building. This needed to take place to ensure there was enough space between the buildings for car access. Plans on this had not been submitted because the building was already in existence.
- Ms Kirby re-displayed the proposed elevation drawings to the Committee. The proposed building would be a one and half storey dwelling. The linked building to the rear of the site would also be one and half storey. This meant that the first floor would be within the roof area.
- Ms Kirby displayed the block plan, which showed the outline of the proposed windows to the southeast. The distance could also be seen to the neighbour's conservatory. The new first floor window would be 15.63 metres from the neighbouring conservatory. This was closer than the existing building but was not deemed as having a significant impact on neighbouring amenity. The 21 metres referred to by residents was a back to back distance and not side to side. There was no minimum distance set out for side to side distances. There were no side windows proposed on the link building.
- Ms Kirby confirmed that there would be additional accommodation going from three to four bedrooms. It was not considered an additional Nutrient Neutrality Zone issue. There was minimal drainage on site currently, so the Nutrient Officer had deemed the proposal as positive in relation to what was currently provided.
- There were currently no basic services on site including baths or toilets.
- Mr Till reported that in terms of habitable rooms there was case law indicating that a conservatory would be considered a habitable space. The Officer recommendation was on the basis that the distance between the windows would not be changing significantly and therefore there was not a significant level of additional impact on private amenity space and the conservatory.

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- Regarding the current angle of overlooking onto the conservatory, Ms Kirby reported that the current window would be located further to the north than where the proposed middle window was located on the plans.
- Ms Kirby reported that the existing first floor window (from the road) was 6.2 metres from the edge of the road. The proposed nearest first floor window would sit 11.1 metres from the existing window onsite and would be of a less oblique angle.
- Ms Kirby confirmed that due to the positioning of the roof lights it was not considered there would be a significant impact on the neighbouring conservatory.
- Ms Kirby confirmed that the ground level of the annex would be level with the proposed main dwelling, however, the floor level would be sunk into the ground. A levels condition, as included in the update sheet, could be included concerning ground water and drainage. The Drainage Officer was content with the scheme that had been submitted.
- Mr Till stated that the link building would form part of the approved dwelling and if it was to be used as a separate dwelling, this would be a change of use in planning terms. He suggested that if Members were minded to approve the application, then a restriction on permitted development rights for change of use could control activity where planning permission was not required.
- Regarding the proposal to move the dwelling back and this land remaining vacant, Mr Goddard stated that he was aware of the concern, however, was unsure who would use this area for parking. The applicant would not need to use it for parking as they would have increased parking if the application was approved. He had viewed satellite images of Front Street and did not believe there was a parking congestion issue. If Members were concerned that parking might take place then Mr Goddard suggested, subject to being deemed acceptable by Planning Officers, that a boundary treatment condition be applied.
- Ms Kirby added that there were already conditions included regarding soft and hard landscaping, which included boundary treatments. Options such as soft landscaping including low level hedging could be advised. This would help prevent cars parking whilst retaining the visibility splays.
- Mr Till reported that the term 'plot only status' was not a term used regularly in planning as it was a surveyors term. It meant that that the value of a plot was only in the plot itself and not the buildings on it. The building was not structurally sound for viable redevelopment and only the plot retained residual value.
- Ms Kirby confirmed that the term 'on balance' had not been used as Officers were confident in their recommendation to approve planning permission.

Debate

18. Councillor Vickers opened the debate by stating that he felt a difficult decision was required and he felt it was balanced. He felt that the worst outcome would be for the site to remain as it was and to become more derelict. It had to be taken into account that the Planning Authority was having to operate within a market system. It was important development continued in an appropriate way. The application needed to be looked at very carefully. The Officers and agent had worked very well together and it was unfortunate that the local community had not been communicated with as they were a very important participant in the planning system.

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19. The Chairman stated that he had not heard that there was not any option to renovate the existing dwelling. He had however heard that this would not be viable and it would cost a lot of money to renovate an asset of this nature. It was a non-designated heritage asset, but the Chairman felt that this was an oversight. The Chairman advised the Committee to think very carefully about any proposal particularly if against the recommendation. The Officer's recommendation was not on balance and therefore it could be difficult should an appeal situation arise.
20. Councillor Clark stated that he agreed with Councillor Vickers in that many of the issues could have been overcome with better engagement with the local community however, there was little that could be done about this at the current stage.
21. Councillor Barnett agreed with the comments raised by Councillor Vickers in that he did not like seeing derelict or unsafe buildings. He felt that the building had been unsafe on the site visit, and this had been of concern. It was requested that in the future such sites should be checked to ensure they were safe to visit.
22. Councillor Barnett stated that the replacement building was larger than he would expect to see. He was also concerned regarding the position. There had been a lot of comments about the street scene and historic nature of the buildings along Front Street and Councillor Barnett felt if approved, the proposal would change this. Councillor Barnett stated that he was leaning towards going against the recommendation however, wished to further listen to the debate before making a conclusion.
23. Councillor Codling echoed concerns about the lack of communication with the community and Parish Council. On balance Councillor Codling could not see how the proposal would change if refused. Councillor Codling was supportive of a wall being erected to prevent parking on the frontage. Given the other properties that had been extended close by, Councillor Codling felt that the site was moving with the times.
24. Councillor Hooker stated that he had started the meeting not predetermined on the application. He had listened to comments and was of the view that the Committee should not be deterred due to the worry of going to appeal. Councillor Hooker felt the current building on the site was a heritage asset and was not in a safe condition to be retained. He was satisfied with the proposed three bedroom property however, felt that the problem was with the extension to the rear of the property. Councillor Hooker felt that if this element had been excluded, discussions would not have been as contentious. Councillor Hooker wished to listen to the rest of the debate but like Council Barnett was leaning towards refusal of the application.
25. Councillor Howard Woollaston shared other Members' views and was in two minds about the application. His concern was that the current dwelling was in a state of serious disrepair, and it was likely that to repair it would be an impossible task.
26. The Chairman commented on the loss of amenity and stated he had not been satisfied with the explanation on the oblique angles, which in his view would worsen if the proposal was approved. Whether the building could be repaired or not, he felt that the development was disproportionate in relation to the village and size of the plot. It was acknowledged that Mr Goddard had needed to consider the plan put in front of him. The Chairman stated that with all these points in mind he proposed that Members go against the Officers' advice and refuse planning permission. This was seconded by Councillor Hooker.
27. Mr Till stated clarified the reasons for refusal including loss of amenity and that it was a disproportionate development within the plot. Mr Till clarified that this would also include the impact on the character and appearance of the conservation area.

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28. Councillor Vickers suggested that harm to the street scene also be included.
29. Mr Till queried the refusal reason concerning the loss of amenity to the neighbouring property and stated that he was concerned that at appeal it could be suggested that the window of concern could be obscure glazed. The Chairman argued that it was not only one window that was an issue and to obscure glaze all of the windows seemed unreasonable.
30. Councillor Hooker suggested another reason for refusal was that it would be the loss of a listed heritage asset.
31. Councillor Woollaston queried if concerns about the access could be used as another reason for refusal. Mr Till understood that there were potential alternatives as with any planning application however, consideration should only be given to the current proposal. Mr Till stated that there was strong advice from the Highways Officer that the proposed vehicular access was acceptable.
32. Councillor Hooker stated that although an asset would potentially be lost on the site, he was not opposed to an alternative proposal that was proportionate and sympathetic to the area.
33. Mr Till summarised the following reasons for refusal:
 - loss of amenity to the neighbouring property.
 - disproportionate and an increased impact on the historic character of the conservation area.
 - Harm to the street scene.
 - Loss of a non-designated heritage asset resulting in harm.
34. The Chairman invited Members to vote on his proposal, seconded by Councillor Hooker, and at the vote the motion was carried.

RESOLVED that the Development Manager be authorised to refuse planning permission for the following reasons:

Reasons

- loss of amenity to the neighbouring property.
- disproportionate and an increase impact on the historic character of the conservation area.
- Harm to the street scene.
- Loss of a non-designated heritage asset resulting in harm.

(3) Application No. and Parish: 23/02379/COND - Land South of Tower Works, Lambourn Woodlands, Hungerford

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/02379/COND in respect of an application for Approval of Details Reserved by Condition 9 (Zero carbon) of planning permission 19/02979/OUTMAJ - Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale.
2. Ms Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In

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conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

Agent Representation

3. Mr James Hicks in addressing the Committee raised the following points:
 - Outline planning permission and a subsequent reserved matters approval were in place for the development at Lambourn Woodlands.
 - The current condition discharge application was the final approval required to enable development to lawfully commence.
 - The discharge application and condition nine was presented to the Committee in August 2023 and the Committee had refused the discharge of the condition. Following this refusal, the applicant team had worked closely with Officers to understand the Committee's concerns and also to provide a suitable technically robust response.
 - The proposal presented in respect of condition nine was highly technical and addressed all requirements.
 - It was hoped that the Committee agreed with Officers that condition nine could now be discharged and development could commence.

Member Questions to the Agent

4. Members asked questions of the agent representative and were given the following responses:
 - Mr Hicks confirmed that the carbon emissions plan for the condition dealt with the energy used in the building and the building's built fabric. It was nothing to with how the building operated including the aircraft and this had been agreed with Officers.
 - Mr Hicks clarified that he had not referred to robust systems but had stated that the report and response provided in terms of the earlier refusal was robust.

Ward Member Representation

5. Councillor Woollaston in addressing the Committee raised the following points:
 - He had opposed the application from the start and he suspected if it had been put before the current Committee it would have been refused.
 - It remained his view that it was the wrong building in the wrong location.
 - The current application was a technical request to release a condition referring to carbon zero.
 - Experienced Officers had confirmed that the applicant's submission met environmental requirements and he could therefore see no reason to not accept the Officer recommendation albeit reluctantly.

Member Questions to the Ward Member

6. Members did not have any questions of clarification.

Member Questions to Officers

7. Members asked questions of the Officers and were given the following responses:

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- Emily Ashton-Jelly reported that in relation to unregulated energy in a building, it did not include any transportation elements.
- The condition asked for a plan demonstrating how the building would meet the requirements for zero carbon development. The aircraft was therefore irrelevant and not part of the condition.
- How monitoring of zero carbon would take place was for discussion outside of the Planning Committee as it was a matter of local authority resourcing.
- Mr Till stated that in the case of Highwood Copse there was a perfectly enforceable condition however, unfortunately data had been lost in transit. Regarding the current application, the condition required that information was provided and Planning Officers were satisfied that what had been supplied was sufficient.
- Ms Cutts confirmed that the Travel Plan condition was still outstanding and did not form part of the current application. It was a pre-occupation condition so the site could not be brought into use until the Travel Plan was approved.

Debate

8. Councillor Vickers did not feel there was much to debate and proposed to accept Officer’s recommendation and grant approval of the submitted details. This was seconded by Councillor Hooker.
9. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Hooker, to approve the submitted conditions. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant approval of the submitted details.

Decision Notice Schedule

1.	<p>Condition 9: Zero Carbon</p> <p>The details submitted in relation to Condition 9 are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice 19/02979/OUTMAJ, and in accordance with the following approved details:</p> <p>Energy Statement prepared by Method Consulting Rev P03 dated 09/08/23 and received on 13th October 2023; and Technical Note Condition 9 – Net Zero Carbon Technical Note prepared by Method Consulting Ref 1801ILW-18-231009 dated 09/11/2023 and received on 13th October 2023</p>
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(The meeting commenced at 6.30pm and closed at 9.50pm)

CHAIRMAN

Date of Signature