

Note: These Minutes were amended at 22 May meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 21 FEBRUARY 2024

Councillors Present: Patrick Clark (Chairman), Adrian Abbs, Antony Amirtharaj, Phil Barnett, Dennis Benneyworth, Heather Codling, Tony Vickers and Howard Woollaston

Also Present: Sharon Armour (Principal Lawyer - Planning & Governance), Paul Goddard (Team Leader - Highways Development Control), Patrick Haran (Senior Planning Officer), Simon Till (Development Control Team Leader), Sadie Owen (Principal Democratic Services Officer) and Thomas Radbourne (Apprentice Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Clive Hooker

PART I

1. Minutes

It was queried whether the minutes of the meeting held on 22 November 2023 should have included a correction of the previous Minutes from the meeting on 20 September 2023 to confirm that the agreed planting requirement for 23/01686/FUL Orchard Day Nursery, Everington Bungalow, Everington Hill, Yattendon, Thatcham RG18 0UD had been for ten rather than five years. It was confirmed that officers had checked the YouTube recording and the condition imposed by the resolution had been for five years.

The Minutes of the meeting held on 22 November 2023 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

Councillor Anthony Amirtharaj declared an interest in Agenda Items 4(1), 4(2) and 4(3) by virtue of the fact that the site was in his ward, and he was a Member of Speen Parish Council, which had expressed concerns about the applications. He had also been lobbied in relation to these applications. As his interest was personal and not a prejudicial or disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matters.

Councillor Patrick Clark declared an interest in Agenda Items 4(1), 4(2) and 4(3) by virtue of the fact that he had undertaken some work for David Wilson Homes in 2015 as a communications consultant. As his interest was personal and not a prejudicial or disclosable pecuniary interest, he determined to remain to take part in the debates and vote on these matters.

Councillors Adrian Abbs and Patrick Clark declared an interest in Agenda Item 4(4) by virtue of the fact that the site was in their ward. As their interest was personal and not a prejudicial or disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillors Phil Barnett and Tony Vickers declared an interest in Agenda Item 4(4) by virtue of the fact that they both were Members of Newbury Town Council's Planning and Highways Committee, which had discussed this application and a previous one for this site, but they confirmed that they would consider the application afresh. As their interest

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was personal and not a prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matters.

Councillors Heather Codling declared an interest in Agenda Item 4(5) by virtue of the fact that the site was in her ward, and she was also a Member of Cold Ash Parish Council. As her interest was personal and not a prejudicial or disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

3. Schedule of Planning Applications

(1) Application No. and Parish: 23/00397/OUTMAJ - Bath Road, Speen, Newbury

1. Members agreed to consider Agenda Items 4(1), 4(2) and 4(3) together, to be covered by a single presentation and a single set of questions and debate.
2. The Committee considered reports for Agenda Items 4(1), 4(2) and 4(3) concerning the following Planning Applications:
 - 23/00397/OUTMAJ – Bath Road, Speen, Newbury in respect of Section 73 - Application for Removal or Variation of a Condition following Grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.
 - 22/01235/RESMAJ – Bath Road, Speen, Newbury in respect of application for approval of reserved matters following outline approval 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land. Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: access, appearance, landscaping, layout and scale.
 - 23/00373/RESMAJ – Land Off Lambourn Road, Speen, Newbury in respect of approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: appearance, landscaping, layout and scale.
3. Mr Masie Masiwa introduced the combined report to Members, which took account of all relevant policy considerations and other material planning considerations. In conclusion the reports detailed that the proposals were acceptable in planning terms. For application 23/00397/OUTMAJ, officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports. For applications 22/01235/RESMAJ and 23/00373/RESMAJ, officers recommended that the Development Manager be authorised to grant reserved matters approval subject to the conditions in the main reports and update reports.
4. The Chairman asked Mr Paul Goddard if he had any observations relating to the applications. He confirmed that access points had been approved as part of the

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outline permission and the current applications related to the internal arrangements. Officers were content with the proposals set out in all three applications with regards to road design, parking, electric vehicle charging, and cycle storage and recommended approval. Minor points left to consider could be addressed as part of the road adoption process.

5. Mr Colin Mansell had been due to speak as an objector, but was unable to attend due to illness and Mr John Headland had requested to speak on his behalf. Also, Ms Sian Keeling was unable to present on behalf of the applicant, but Ms Sophie Horsley had requested to speak on her behalf.

RESOLVED to suspend standing orders to allow Mr Headland and Ms Horsley to speak.

6. Councillor Heather Codling proposed to pool the speaking time for the three applications and allow 15 minutes per party. This was seconded by Councillor Howard Woollaston and at the vote the proposal was approved.

RESOLVED to allow each party a total of 15 minutes speaking time.

7. In accordance with the Council's Constitution, Mr Alan Booth, parish council representative, Mr John Headland and Mr Nick Lukacs, objectors, and Ms Geogina Mortimer, Ms Estelle Hutchinson and Mr Martin Burchill, applicants, addressed the Committee on the three applications.

Parish Council Representation

8. Mr Booth in addressing the Committee raised the following points:
 - Speen Parish Council did not object to the principle of the housing site, but objected to the traffic management, particularly having a T-junction from the A4 as the only vehicular access to the majority of the site.
 - This was felt to be a retrograde step to have a single carriageway road used as an access to 93 houses.
 - A small amount of additional expenditure would be required to create an access from the existing roundabout to the west of the site.

Member Questions to the Parish Council

9. Members asked questions of the Parish Council representatives and were given the following responses:
 - The Parish Council had raised their concerns in relation to the previous application for outline permission in 2020.
 - Access proposals had been presented as a fait accompli.
 - It was assumed that an access from the roundabout had not been considered for cost reasons.

Objector Representation

10. Mr Headland and Mr Lukacs in addressing the Committee raised the following points:
 - The Allotments Association had been running for over 100 years on the Station Road site. It had been leased from the Sutton Estate for returning soldiers from the First World War.
 - The Association was concerned about the loss of parking on Station Road as a result of the proposed double bus stop. This would create significant barriers for

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elderly allotment holders who travelled to the site by car. As a result, they would lose the many benefits of working their allotments.

- 55-60 allotments were occupied, and it was suggested that membership would dwindle as a result of the loss of parking.
- The needs of the allotment holders had not been considered as part of the planning applications, and the association had been left out of negotiations. It was hoped that the proposal could be reconsidered.
- The Sydings was set to be changed forever by this large-scale development, which would affect residents as well as the allotments.
- Residents of 3-5 The Sydings would be exposed to noise, air and light pollution and the Committee was asked to consider a condition requiring the planting of dense shrubbery, particularly around the large pond.
- Residents could not see any evidence that the Speen Village Design Statement had been considered, which was important to protect what was unique about Speen Village.
- Concerns were expressed about run-off from the spring that ran under Mr Lukacs home. Nobody had visited to investigate this issue.

Member Questions to the Objectors

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

- It was confirmed that Speen residents were the first choice for any vacant allotments. Only in exceptional circumstances would allotments be given to people living outside the area, and only if they had a connection to Speen.
- Parking pressures were greatest on Sundays when there was football at the recreation ground. Allotment holders often had to use adjacent roads, which impacted the relationship with the allotment's neighbours. It was suggested that the parking at the recreation ground be expanded.
- It was acknowledged that some residents of the new development may wish to make use of the allotments.
- It was explained that each bus stop would be 25m, resulting in the loss of 50m of parking, equivalent to the allotment frontage.
- Mr Lukacs confirmed that he had not had any dealings with either the Council's Drainage Officer or the applicant's drainage engineer.
- It was confirmed that water from the allotments ran through a pipe under 3 The Sydings. Mr Lukacs was concerned that the adjacent pond would increase water flow under his property.

Applicant/Agent Representation

12. Ms Mortimer, Ms Hutchinson and Mr Burchill in addressing the Committee raised the following points:

In relation to application 23/00397/OUTMAJ:

- The site formed part of a larger housing allocation in the Housing Site Allocations DPD.

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- The site had full planning consent for 11 new dwellings with access approved from Bath Road – the principle of development and means of access were not being considered as part of this application.
- This application sought to vary the approved plans and conditions to reflect the applicant's house types, and to amend the layout accordingly.
- The proposal was for 11 two-storey dwellings - three two-bed, six three-bed and two four-bed houses. Three of these would be affordable.
- The affordable homes would be built to national space standards and would be accessible and adaptable dwellings.
- All dwellings would have private drives and gardens with garages / sheds for bike storage.
- The site layout considered the relationship with existing dwellings in the adjacent conservation area and sufficient offset and tree planting would ensure privacy.
- Existing trees/hedges on all boundaries would be retained to screen the houses and contain them within their landscaped buffer.
- Dwellings would face onto Bath Road with gardens to the rear, maintaining the feeling of enclosure referred to in the Village Design Statement (VDS).
- The VDS and Conservation Area had informed this application and architectural features and materials found in the surrounding area had been incorporated into the design.
- The Highways Authority's previous objections had been overcome. Parking would be provided in line with the Housing Site Allocations DPD, two unallocated parking spaces had been relocated to the private drive area to the front of the site, and each dwelling would have an electrical vehicle (EV) charging point.
- The Drainage Strategy was considered acceptable by the Drainage Officers. Foul water drainage would connect to the existing network at Bath Road. Thames Water had confirmed that there was sufficient capacity. Surface water drainage was tied to the wider site and would discharge into the existing ditch network on site.
- Current building regulations required a 31% reduction in carbon emissions from the previous standards. All dwellings would have insulation, enhanced double glazing, waste water recovery, and decentralised mechanical ventilation. Most properties would also require PV panels - a condition to secure this would be welcomed.
- There were no technical objections to the application. The applicant had worked with the Parish Council to address their concerns. Their only remaining objection related to the access road, which had already been approved and was not being considered as part of this application.
- Condition 39 required updated ecological surveys. Since the report had been written, the Ecology Officer had agreed an amendment to the condition with respect to dormice surveys. Instead, alternative methods of working would be agreed prior to commencement. The applicant sought Members' approval to delegate the final wording to the Development Manager.
- The proposal was consistent with the full planning permission and would provide a high quality development for a community to thrive.

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- The applicant hoped that the Committee would agree with the recommendation to grant planning permission subject to conditions.

In relation to application 22/01235/RESMAJ:

- The site formed part of the same larger housing allocation as the first application.
- The site benefited from outline planning consent for 93 new dwellings, with access from Bath Road.
- The principle of development and the site access had already been accepted and were not being considered as part of this application.
- This was a reserved matters application, which sought approval for layout, appearance, scale, and landscaping.
- 93 dwellings were proposed, comprising maisonettes, flats, bungalows and houses to suit a range of needs. Officers considered the proposed housing mix to be acceptable.
- 38 affordable homes were proposed, which would be built to national space standards, with the majority being accessible and adaptable dwellings.
- An emergency access was proposed from Station Road. Bollards would ensure that it could only be used by emergency vehicles, pedestrians and cyclists. This would provide a direct link to Speen and on to Newbury.
- Three public rights of way crossed the site - all would be retained and enhanced.
- The proposed layout was based on perimeter blocks, ensuring well-defined fronts and backs, with active frontages to ensure good natural surveillance.
- The layout also allowed for adequate back-to-back distances within the site and to neighbouring properties.
- All dwellings would have good sized gardens and access to public open space.
- All dwellings would have cycle storage and EV charging.
- A relatively small palette of materials was proposed to ensure visual consistency. A proposed condition would require the final materials to be approved by the Planning Authority.
- The VDS had informed the design of the new dwellings, and design features traditional to Speen had been incorporated to provide visual links with the existing housing stock and to add character to the scheme.
- Boundary treatments had been carefully considered - brick screen walls were proposed for areas facing the public realm, with close-board fencing between dwellings. Some areas would have low hedges or railings along front boundaries.
- The tallest dwellings would be centrally located, respecting the relationship with the surrounding countryside and Speen Conservation Area. These would be placed on prominent plots, giving additional presence to aid wayfinding.
- Houses opposite the apartments would be 2.5 storeys. Elsewhere, building heights would be limited to two storeys to recognise the sensitivity of the boundary with the countryside. 1.5 storey buildings would be provided on the high point of the site to avoid prominent skyline development.

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- Key landscape features would be retained, including boundary hedgerows and most of the existing trees. This would ensure the landscaping scheme enjoyed an instant maturity, as well as providing character and softening the built form.
- The proposal included over 3 ha. of public open space (40% of the total site area). This would be amenity grassland, wildflower meadow and native hedgerow.
- A large play area was also proposed, which would have excellent natural surveillance. A 20m off-set from adjacent housing was proposed to mitigate noise.
- Three attenuation basins would be incorporated into the landscaping scheme to add visual interest and increase biodiversity.
- The proposed development was consistent with the outline planning permission and would provide a high quality development delivering homes and the affordable provision that was needed.
- The developer hoped that the Committee would agree with the recommendation.

In relation to the application 23/00373/RESMAJ:

- The site formed part of the same larger housing allocation as the other two planning applications as set out in the Housing Allocations DPD.
- The site had outline planning consent for 14 new dwellings, with access approved from Lambourn Road. There would be no vehicular access to the wider site.
- The principle of development and means of access had already been accepted and were not being considered as part of this application.
- This was a reserved matters application, which sought approval for layout, appearance, scale, and landscaping.
- 14 dwellings were proposed. Officers considered the proposed housing mix to be acceptable.
- All dwellings would be two-storey in line with the approved plan.
- Six of the dwellings would be affordable, which would be built to national space standards, and would be accessible and adaptable dwellings.
- The existing public right of way (PRoW) connecting the Lambourn Road to the larger site would be retained and would be upgraded to a hogging footpath with a landscaped buffer and new tree planting on one side. The spine road would be on the other side of the PRoW.
- A mixture of house types would be provided along the spine road, providing natural surveillance of the public open space and PRoW.
- Two private drives would be served off this road – one serving three terraced houses and one detached home. These would face onto Lambourn Road, but they would be set back to create public open space to replicate the visual character and landscape setting of surrounding properties as per the VDS. These properties would overlook the SuDS basin which would be planted to provide an attractive focal point and support wildlife, surrounded by wildflower meadow and ornamental planting.
- The other private drive to the south of the site would serve three detached properties overlooking public open space, providing surveillance towards the southern site boundary. This would be planted as wildflower meadow with native shrubs, with existing hedgerow retained.

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- Screen walls were proposed where properties adjoined open land or on primary street frontages as per the VDS.
- All dwellings would have private gardens with access to cycle storage.
- Dedicated parking would be provided with an EV charge point for each dwelling.
- Highways Officers had confirmed that they had no objection to the application.
- The VDS and adjacent conservation area informed the application and the same materials and architectural features referred to in the previous applications would be incorporated into this proposal.
- Dwellings would be built to current building regulations and the developer would welcome a condition requiring a PV scheme.
- Three trees adjacent to the PRow would be removed, plus some self-seeded shrub trees. It was proposed to plant 22 high quality new trees to off-set the loss of the existing trees, including three new, extra-heavy standard trees between the site and 31/32 Lambourn Road to screen the development. The Tree Officer had raised no objection.
- Landscape buffers were also proposed along the southern, northern and eastern boundaries to be used as public open space.
- Amenity grass and ornamental planting were proposed to the front of plots laid to lawn.
- A long-term management plan and maintenance schedule would be secured via a condition.
- There were no technical objections to this application and the applicant had worked with the Parish Council to address their concerns. Their only remaining issue was in relation to the access road, which had already been approved.
- The proposed development was consistent with the outline planning permission and would provide a high quality development, delivering affordable homes that were needed.
- It was hoped that Members would agree with the Officers' recommendation to grant planning permission subject to conditions.
- In relation to concerns about the pond, it was confirmed that this would be lined and separate from the groundwater, so it should not prompt any additional concerns about spring water affecting 3 The Sydings.

Member Questions to the Applicant

13. Members asked questions of the Applicant's representatives and were given the following responses:

- It was confirmed that the applicant was happy to deliver PV panels across all three applications.
- Properties would not have functional fires. Chimneys were proposed to be consistent with the surrounding area and the Parish Council had requested them.
- Access arrangements had been agreed as part of the outline planning permission and was not being considered as part of this application. David Wilson Homes (DWH) had not been the applicant for the hybrid planning application, but a full Transport Statement (including a Safety Audit) had been prepared at that time and

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had been considered acceptable. DWH would not have taken a different approach if they had been the original applicant.

- Under current legislation, biodiversity net gain was only required for new outline or full applications and not reserve matter applications. However, a number of biodiversity enhancements were proposed across all three applications, secured by condition.
- The applicant was unable to confirm the Energy Performance Certificate rating for the proposed properties, but highlighted that the latest building regulations required a 31% reduction compared to the previous standards. A 'fabric first' approach would reduce maintenance for customers and improve the quality of the build. Additionally, PV panels were being proposed.
- A LEAP (locally equipped area for play) would be provided, and a condition was proposed in relation to its design. The facility would be relevant to a range of ages.
- In response to queries about cycle access, it was confirmed that the PRoW over the two sites would be upgraded to a hogging footpath. Access arrangements were previously approved in full, so the applicant was not looking to change these.
- Reassurance was provided that there would be no overflow from the ponds on the site. These had been designed with 300mm of freeboard, so even with a 1 in 100 year storm, there would be no issues with overspill or surface water entering foul sewers. Surface run-off would have to be equivalent to/better than the current rate. Capacity would be provided within the permeable paving on most driveways. This was not included in the capacity calculations for the site.
- A Construction Management Plan would be a pre-commencement condition. A draft had already been prepared.
- Thames Water had confirmed that there was sufficient capacity in their foul water network, but no indication had been provided as to the level of spare capacity.
- It was confirmed that a management company would maintain the public open spaces/SuDS. This was part of the S106 Agreement that had been secured as part of the outline permission.
- Surface water run-off would match greenfield rates and would be an improvement over the existing scenario. While groundwater levels were high in places, extensive investigations had highlighted voids within the chalk and no concerns had been highlighted with existing groundwater levels in relation to the proposed surface water design. Attenuation ponds were lined and would be separate from the groundwater system. Calculations had accounted for 40% climate change. Discharge was to a drainage ditch, which was linked to the River Lambourn. The investigation report had been issued two weeks prior to the meeting.

Ward Member Representation

14. Councillor Antony Amirtharaj in addressing the Committee raised the following points:

- The Committee was asked to prioritise responsible development.
- The need for housing in Speen was acknowledged, but the amount of development proposed raised questions about over-burdening infrastructure, environmental damage, and the impacts on vital services.
- The original application was approved in 2020, but a lot had changed since then, and a fresh perspective was needed.

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- The proposed development in its current form raised 'red flags' related to traffic congestion, and destruction of biodiversity.
- The A4 would buckle under the weight of traffic - a report was quoted that indicated a 900% increase in vehicle movements. Residents entering and leaving the site would cause gridlock. Also, visibility to the west was just 43m, with vehicles approaching from a 60mph speed limit. This was a safety hazard, not just an inconvenience. It was also an environmental burden and a blow to the quality of life for residents, including those on Station Road, Lambourn Road and The Sydings.
- Concern was expressed about the potential impact on drainage infrastructure and the River Lambourn.
- The development would replace a vital green space and diverse habitat around the A34. The delicate balance of the ecosystem would be affected. Also, the Speen VDS had not been properly taken into account.
- Infrastructure issues would have cascading impacts. Station Road was used for parking by allotment holders and those playing football at the recreation ground. It was a narrow road, and the introduction of bus stops would make parking more problematic. The scheme would lead to conflict and access issues for residents.
- There was existing pressure for more allotments. The development would also create pressures on schools and GP services. Children would attend Robert Sandilands and Speenhamland Primary Schools. Although Stockcross Primary School had capacity, children would be unable to cross the A34 roundabouts. Also, Strawberry Hill GP Surgery was already stretched.
- It was challenged whether the vision that people had for the future of Speen was a community choked by traffic, devoid of green space to the west, and struggling to provide basic services.
- Positives associated with the development included the provision of affordable housing and additional land being allocated to the allotments.
- The Committee was encouraged to seek ample on-site parking, with dedicated parking for the allotments within the site.
- It was highlighted that CIL contributions would be just £18,000, which was not consistent with the size of the development. It was suggested that more should be allocated to the nearby schools and GP surgery to accommodate the additional burden.

Member Questions to the Ward Member

15. Members asked questions of the Ward Member and received the following responses:

- The CIL Team had confirmed the figure of £18,000, although it was unclear if this amount was per property, or for the development as a whole. There was a need for additional funding for infrastructure.

Member Questions to Officers

16. Members asked questions of Officers and received the following responses:

- The access for the development had been approved under the extant outline permission, which would provide a fall-back position. It was not considered normal practice to renegotiate access under a S73 application where this had been approved under the

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outline permission. The Committee was not being asked to consider the access to the highway as part of these applications, which related solely to internal arrangements.

- The S106 agreement had been established with the outline permission and should provide sufficient funds to secure mitigation for all highways works that were required for the access. Revisiting the S106 agreement at this stage would be unusual and the applicant would have reasonable grounds to challenge the Council.
- Although the access point had been approved, officers were looking to change the layout of the A4. A footway/cycleway out to Stockcross was being progressed, which had not even been a proposal at the time the outline permission had been granted. Officers were working with the applicant to accommodate the approved access and a continuation of the cycle route to Speen Lane. Instead of the applicant constructing the right-turn lane, it was proposed that they provided funding to allow the Council to carry out works on the highway to include a footway/cycleway on the southern side of the A4. Discussions were ongoing.
- The applicants had raised the issue of PV panels after the revised plans had been submitted. If Members wished to impose a condition, they could come up with a suitable wording to secure their provision prior to occupation. However, there were no details as to which properties would be affected, the level of benefit provided and the impact on viability for the developer. Without this detail, Officers were hesitant. Members were reminded that reasonableness and enforceability were key tests for conditions. Also, delivery might undermine other aspects of the scheme, such as visual quality or the viability of affordable housing. It was noted that the developer had offered to provide PV panels.
- It was confirmed that there were no plans to provide additional parking for allotment holders within the site. Also, the allotments were fenced off from the site and access was from Station Road. While it would be physically possible to provide additional parking, it would not be close to the allotment entrance. Parking had been assessed against Policies P1 and HSA2, which gave no grounds to reasonably apply a condition requiring additional parking. Both the PV panels and parking would require considerable redesign of the scheme. It was suggested that an informative could be added to the outline permission to note that the Planning Committee would welcome an approach by the applicant to provide further details on these matters. These would have to be considered under a separate planning application because they were material changes.
- The condition relating to provision of the emergency access from Station Road upon completion of the fiftieth dwelling had been approved as part of the outline permission. The threshold was chosen because it related to the planned phasing of the development. There was no legal requirement to provide one, but the Highways Authority always sought one for developments larger than 100 dwellings. It was not possible to have the emergency access from Lambourn Road due to the ransom strip.
- Condition 47 sought improvements to the existing bus stops to encourage residents from the development to use the buses. While not a legal requirement, the improvements would make the bus stops more usable and support the viability of the bus service. Kassel kerbs would reduce the step up into the bus to improve accessibility. Providing bus stop markings would not reduce car parking, because people should not be parking at a bus stop. Condition 47 would be discharged through a separate planning application, so there was an opportunity to amend the design and Officers offered to work with Members and the community on this.
- It was confirmed that measures to protect the oil pipeline were set out in Condition 25 attached to the first application. This included a 6m easement.

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Debate

17. Councillor Abbs opened the debate. He had opposed the site access on safety grounds when it had originally been proposed, and he had concerns about the lack of provision for 'net zero'. While he recognised that the Committee was unable to request changes on these matters, he hoped that the developer would come forward with a proposal for PV panels. He suggested that net zero homes were valued by residents because they were cheaper to run. Despite his concerns, he could not see any reason to refuse planning permission.
18. Councillor Vickers accepted that the access point could not be changed, but felt that the road layout should be adapted to accommodate the proposed cycle route, since the residents would want to cycle to the town centre. He noted that moving the traffic island further west would move it away from the desired line for pedestrians crossing the A4. He suggested that residents would struggle to turn right out of the site, particularly when the A4 was used as a diversionary route in the event of a closure on the M4 and suggested that the emergency access might be brought into use in such a scenario. He also suggested reserving an alignment for a future road link across the ransom strip to Lambourn Road. He agreed that the applicant's offer to provide PV panels should be welcomed, since the market was moving in that direction. Overall, he indicated that he was minded to support the application, but suggested that additional conditions may be required.
19. Councillor Phil Barnett agreed with the points made by Councillor Abbs, but stressed the need to ensure that the development was suitable for use and that any detriment to the local community was minimised.
20. Councillor Amirtharaj proposed that conditions be amended to:
 - secure the emergency access at an earlier stage;
 - amend the design of the bus stops on Station Road to retain some parking;
 - maintain the green buffer at 1-4 The Sydings.Also, he suggested that the developer be requested to provide a parking area for the allotments. If the above were not technically possible, he indicated that he would abstain in the vote.
21. Mr Till suggested that a line be added to Condition 47 to require details submitted to discharge the condition be approved in consultation with the Ward Members and Parish Council. Councillor Vickers requested a further change, inserting the wording 'for all modes of transport'
22. In relation to Condition 46, Mr Till suggested that requiring earlier delivery of the emergency access would create a dead-end road that was not usable by residents due to the construction phasing of the development. Councillor Amirtharaj stressed the need for this to be delivered as soon as possible to avoid issues experienced by other developments to the north of Newbury. Councillor Abbs proposed amending the wording to require provision of the emergency access as soon as the roads connecting to it have been constructed. Mr Till suggested that the wording be changed to require that the emergency access be provided either at the point when the turning head adjacent to Plots 28 and 29 had been constructed or at the point at which the 50th unit was occupied, whichever was the earlier.
23. Mr Till noted that an additional informative had been requested regarding parking for the allotments, which would apply to 23/00397/OUTMAJ and 22/01235/RESMAJ,

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and an additional informative for PV panels, which would apply to all three applications.

24. In relation to 23/00397/OUTMAJ, Councillor Adrian Abbs proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with the following amendments:

- Condition 46 - require that the emergency access be provided either at the point when the turning head adjacent to Plots 28 and 29 had been constructed or at the point at which the 50th unit was occupied, whichever was the earlier;
- Condition 47 – require details submitted to discharge the condition be approved in consultation with the Ward Members and Parish Council, and insert the words 'for all modes of transport';
- Additional informatives requesting parking for the allotments and provision of PV panels for all units.

This was seconded by Councillor Howard Woollaston.

25. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Woollaston to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions set out in the report and update reports with the following amendments.

Conditions

46	<p>Station Road Emergency Access</p> <p>At the point when the internal turning head joining the emergency access is completed or upon occupation of the 50th dwelling, whichever is earlier, the Station Road emergency access and cycle route shall be constructed and made available for use in accordance with the approved drawing 07733/SK/009 rev A or as otherwise agreed by the LPA.</p> <p>Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
47	<p>Off - site Section 278 Highway Works</p> <p>No dwelling hereby permitted shall be occupied until a Section 278 Agreement has been signed and provided in consultation with the Ward Member and Speen Parish Council to procure the following works:</p> <p>By occupation of the 50th dwelling:</p> <ul style="list-style-type: none">• Emergency and cycleway access onto Station Road <p>Public Transport Infrastructure</p> <ul style="list-style-type: none">• Provision of raised Kassel kerb, 21 metre time-restricted bus stop

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	<p>clearway marking to enable the bus to safety line and timed clearway sign plate at "The Sydings" bus stop northbound in Station Road</p> <ul style="list-style-type: none"> • Provision of raised Kassel kerb at arrival end and safety line at "The Sydings" bus stop southbound towards A4 in Station Road <p>Dropped kerbing and tactile paving at the following locations:</p> <ul style="list-style-type: none"> • Across Station Road at the junction with the A4 • Across Lambourn Road west of the junction with Station Road with decrease in kern radii on western side of Station Road to enable this crossing • Across The Sydings at the junction with Station Road • Across Station Road at the southbound bus stop <p>Reason: To encourage sustainable travel, in the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
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Informatives

	<p>Parking for Allotments</p> <p>The applicant will make every effort to make provision of parking for allotments within the site.</p>
	<p>Solar PV panels</p> <p>The applicant is encouraged to use their best possible endeavours to explore the options for providing solar PV for the site.</p>

(2) **Application No. and Parish: 22/01235/RESMAJ - Bath Road, Speen, Newbury**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/01235/RESMAJ Bath Road Speed, Newbury in respect of Application for Approval of Reserved Matters following Outline Approval 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land] Reserved matters approval for the erection of 93 homes, with associated open space and other infrastructure. Matters to be considered: Access, Appearance, Landscaping, Layout and Scale.

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- This matter was considered jointly with Agenda Items 4(1) and 4(3). Details of relevant representations and Member questions have been incorporated into the minutes for Agenda Item 4(1).

Debate

- Councillor Tony Vickers opened the debate. He noted a discrepancy between the current route of the Public Right of Way and the route shown in the Definitive Map. He felt that the wording of Condition 6 may need to be amended to ensure that the developer incurred any costs associated with the Diversion Order. It was noted that the Countryside Service imposed an administrative charge for creation/diversion orders to cover advertising costs. It was suggested that the wording of the condition be amended to make clear that the Diversion Order would be carried out at the applicant's cost.
- Councillor Antony Amirtharaj noted that the Update Report had recommended that Protected Species Surveys be conditioned. Mr Masie Masiwa confirmed that these should be undertaken prior to commencement. This condition covered the whole development site.
- 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 requiring protected species surveys to be updated. This was seconded by Councillor Phil Barnett.
- The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Barnett to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions in the report and update report, with the following amendment to Condition 6 to add that the applicant shall meet all public rights of way diversion costs.

Condition

6	<p>Public Rights of Way SPEE/6/2</p> <p>The footpaths running between the southern site boundary at Cromwell Terrace and the intersection with the internal road, to the west of plots 24, 25, 26, 27 and plots 43,44, 45, 46 shall be completed before the occupation of the 60th dwelling. Details of the precise route, construction and surfacing shall first be submitted to and approved in writing by the Local Planning Authority.</p> <p>The applicant shall meet all diversion costs. The submission shall include details of any diversion order if the route does not follow the existing definitive line. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interest of highway safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists using the local PROW network. This condition is applied in accordance with the National Planning Policy Framework and Policies CS13 and CS18 of the West Berkshire Core Strategy (2006-2026).</p>
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Informatives

	Solar PV panels The applicant will make provision of Solar PV panels on all three sites at Bath Speen, as a measure to improve sustainability of the scheme.
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(3) **Application No. and Parish: 23/00373/RESMAJ - Land Off, Lambourn Road, Speen Newbury**

7. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/003373/RESMAJ – Land off Lamborn Road, Speen, Newbury, approval of reserved matters following Outline Permission 17/02093/OUTMAJ (Outline planning application for up to 14 dwellings and associated works - all matters reserved except access.) Matters seeking consent: Appearance, Landscaping, Layout and Scale.
8. This matter was considered jointly with Agenda Items 4(1) and 4(2). Details of relevant representations and Member questions have been incorporated into the minutes for Agenda Item 4(1).

Debate

9. An informative had been requested for the provision of PV panels on all dwellings.
10. Councillor Antony Amirtharaj opened the debate. He noted that the update report had recommended that dropped kerbs and tactile paving be provided at points where pedestrians were likely to cross the road. He asked if this would be secured through a condition. Mr Paul Goddard confirmed that this could be secured through a condition, but highlighted that these details were usually picked up as part of the S38 process.
11. Councillor Howard Woollaston 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 to require that dropped kerbs and tactile paving be provided at points where pedestrians were likely to cross the road. This was seconded by Councillor Heather Codling.
12. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Codling to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions in the main report and update report, with the following additional condition requiring a pedestrian crossing at Lambourn Road.

Condition

	Pedestrian crossing at Lambourn Road No dwelling hereby permitted shall be occupied until details of a pedestrian crossing at the access road off Lambourn Road have been submitted to and approved in writing by the Local Planning Authority. The pedestrian crossing shall thereafter be retained and kept available for use. Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies
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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).
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Informatives

Solar PV panels

The applicant will make provision of Solar PV panels on all three sites at Bath Speen, as a measure to improve sustainability of the scheme.
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(4) Application No. and Parish: 23/02915/FUL - Battery End Hall, Battery End, Newbury, RG14 6NX

13. The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 23/02915/FUL – Battery End Hall, Battery End, Newbury, RG14 6NX in respect of one 4 bed two storey dwelling with parking, cycle and refuse storage. (Re-submission of Approval 19/00995/FULD without any amendments).
14. Mr Patrick Haran 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.
15. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. He indicated that the proposal was similar to the previous application that had been approved. Highways Officers were happy that it complied with standards/policy relating to parking, electric vehicle charging points and cycle parking.

Continuation of meeting

16. In accordance with the Council's Constitution Part 3, Rule 10, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(4).
17. In accordance with the Council's Constitution, Mr Andy Moore, Town Council representative, Ms Jennifer Evans, objector, Mr Azar Sharif applicant/agent, addressed the Committee on this application.

Parish/Town Council Representation

18. Mr Moore in addressing the Committee raised the following points:
 - This was the third application for the site and Mr Moore was pleased that it would be considered by the Western Area Planning Committee.
 - Newbury Town Council accepted that this was a good brownfield site for development with a dwelling, but in 2019 they had objected on grounds of over-development and that the hedge should be retained. In 2022, they had objected for reasons of over-development and because the proposed dwelling was too close to the hedge. The hedge was of amenity and biodiversity value. The Town Council had objected to the current application on the grounds of over-development and the need to protect the hedge.
 - The Town Council owned the recreation ground to the west of the property. The boundary and ownership of the hedge was difficult to establish. However, the

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Town Council was seeking to regularise their ownership of the hedge and to maintain it thereafter.

- The proposed hedge retention plan was considered inadequate, and officers had proposed a condition to improve it to ensure the hedge's retention, which was the outcome desired by all parties.
- The applicant's representative had accepted that the western wall of the current hut was the western boundary of the plot and that the hedge should be protected.
- The proposed development was considered to be over-development, as it appeared overly large for the plot.
- The eastern wall of the plot coincided with the eastern boundary of the plot and the plot width had been measured at 9.9m. The plans did not include dimensions, but had been scaled at 9.5m - 9.8m.
- The plans showed space down each side of the dwelling to allow bins to be brought to the street from the bin store at the rear of the building, but the dimensions did not reflect reality.
- Failing to measure the plot properly and proposing too wide a dwelling, raised concerns about loss of amenity for the neighbour and/or loss of the hedge.
- The Committee was urged to refuse the application or impose a condition related to the width of the building.
- The applicant should be encouraged to rebuild relationships with the neighbours and return with a proposal that fitted the plot.

Member Questions to the Parish/Town Council

19. Members asked questions of the Parish Council's representative and were given the following responses:

- The hedge was not being actively maintained.
- The Town Council intended to claim ownership of the hedge and maintain it thereafter.

Objector Representation

20. Ms Evans in addressing the Committee raised the following points:

- Objectors did not object to the site being used for residential use, but the proposed scheme was too wide for the plot.
- Permission was originally granted in 2019, despite local and Newbury Town Council objections and without the submission of full and correct information, and without appreciation of constraints as evidenced by recent ecological surveys.
- The site was then sold on, and planning approval lapsed.
- The new owner submitted a replica application in December 2022, but in the interim, the local community had become aware of the detail of the development and its impact on the adjacent historic hedge, which was not shown on any drawings, and the impact on the natural setting and enclosure of the recreation ground. This application was refused in July 2023.
- The current application was identical to the first two and errors persisted on the plans and application form, which had been brought to the attention of the case officer.

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- The proposed house did not fit on the site, and the adjacent hedge was not shown on any of the drawings, apart from the hedge retention plan. This plan was inaccurate but, it had been listed as an approved plan.
- The developer was reliant on building 1m into a 2m strip that he did not own. Officers had indicated that this was not a material planning consideration. The objectors disagreed, as the proposed development put the adjacent hedge at risk, which the applicant had acknowledged that he did not own.
- The previous application had been turned down because the applicant had not submitted an ecology appraisal. This had not been requested for the first application.
- 26 letters of objection relating to use of the hedge by protected species and potential loss of a biodiverse habitat contributed to this decision. Objectors felt vindicated by the ecology survey. The Ecology Team had even suggested that a covenant be placed on the hedge.
- The proposed development extended over land beyond the applicant's ownership and would put the hedge at increased risk. The red line on the plan coincided with the centre/trunk line of the hedge. The hedge's canopy overhung the roof of the existing hut.
- Objectors were concerned that the proposed development would have a two storey wall located 1m closer to the hedge and a new side access between the building and the hedge. Construction of the side access would result in reducing the ground level within the root protection area, which would be in addition to damage resulting from excavation for the foundations. The objectors suggested that the hedge would be damaged at root and canopy level.
- For the 2019 application, the case officer had indicated that it would be unlikely that there would be any impacts on protected species, as no protected species had been noted in this area. They had also said that while loss of the hedge would be unfortunate, it was not a protected hedge and it did not provide green infrastructure linkage. These points had been disproved by the ecology appraisal and bat survey.
- The Tree Officer had indicated that the hedge brought biodiversity, pollution and carbon sequestration benefits, as well as screening for the recreation ground, which was a registered village green.
- The applicant had ignored Policy CS18 by putting the hedge at risk.
- Objectors challenged why it was not a material consideration that the application put at risk a protected habitat on land outside of the applicant's ownership, when building within his ownership would avoid this scenario and attract local support.
- Objectors suggested that the width of the house be reduced to be in line with the western wall of the existing hut to keep it within the applicant's ownership boundary.

Member Questions to the Objector

21. Members asked questions of the Objector representative and were given the following responses:

- Residents were aware that there was a ditch that ran along the eastern side of the hedge as far as Conifer Crest.

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- The proposed development boundary did not coincide with the applicant's ownership.

Applicant Representation

22. Mr Sharif in addressing the Committee raised the following points:

- The application had originally been given consent in 2019.
- The property had been purchased on the basis of that approval.
- The current application remained unchanged from the original.
- During Covid, the project manager had been in poor health and so the scheme had not been started.
- The original application had gone through stringent checks as part of the approvals process.
- People were making fictitious allegations that the hedge would be demolished.
- It was a tragedy that the hedge had not been maintained by the Town Council.
- There was no ditch visible to the east of the hedge.
- Historically, hedges were used to define property boundaries.
- The Council's Legal Team had been asked to investigate the ownership of the strip of land to the east of the hedge. An advertisement had been placed in the paper to seek information about the ownership, but no owner came forward. It was suggested that this strip was part of the site.
- An additional application for the site (21/00547), had sought an amendment of the original application to erect a 1.8m high timber fence to denote the northwestern site boundary.
- The proposed house would be in keeping with others in the area and would uplift the visual appearance of that part of the road. The existing hut was in poor condition and there was a problem with rat infestation. The new property would be built to a high standard.
- Residents had not raised any concerns when the Scout Association had owned the property. Mr Sharif was being treated unfairly, with ridiculous objections and false allegations about his intention to destroy the hedge.
- The property had a well-defined plot and the Council had checked the dimensions for the proposed house.

Member Questions to the Applicant/Agent

23. Members asked questions of the Applicant and were given the following responses:

- It was confirmed that there would be access to the rear of the property. There was an existing gate to the recreation ground. Also, there would be enough room along the side of the property to bring bins through to the front. A reputable firm of architects had prepared the plans and would not have created a development that was not serviceable. Access to the sub-station was from the other side.
- It was acknowledged that the Committee could only consider the application in front of them and could not take account of previous applications.
- The applicant confirmed that the proposed development would be built entirely within his own land – the current scheme merely sought a renewal of the previous

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planning permission. The only change was a plan that showed the hedge detail in relation to the building. It was suggested that the trunk line of the hedge should be taken as the property boundary.

- The Scout Hut had been set back from the hedge and around 250mm from the neighbour's boundary. The neighbour had affixed their fence to the existing building, which was illegal.

Ward Member Representation

24. Councillor David Marsh in addressing the Committee raised the following points:

- He echoed the points made by Mr Moore and Ms Evans.
- If the developer had engaged with residents and Councillors, and listened to their concerns, the house would be built by now. The house just needed to be made a little smaller.
- The site maps all showed the red line going through the middle of the hedge and there was nothing in the documents to suggest that the hedge would be protected.
- The hedge was crucial, and the fact that the maps were wrong was a matter for serious concern.
- Even if the current owner was serious about maintaining the hedge, what about subsequent owners? The maps suggested that they owned part of the hedge.
- The Scouts Association had thought that their plot was up to the western edge of the building, which conformed to the sub-station and the neighbouring house to the rear. Also, the cable to the sub-station ran along the hedge.
- The application did not address the issue of the land ownership between the hut and the hedge.
- The recreation ground was owned by Newbury Town Council. While ownership of the hedge or the strip of land to the east was unclear, common sense would suggest that the ditch went with the hedge. There were doubts as to whether the applicant owned all of the land that he was proposing to develop.
- The Hedge Retention Plan stated that the existing fence was to be retained and repaired if required, but there was no fence.
- The notice in the Newbury Weekly News had appeared a week later than the stated date of 14 December 2023, when readership would have been much lower due to Christmas.
- There were discrepancies in the documents, which had not been rectified since the original application in 2019.
- The application form indicated that there were no trees or hedges on land adjacent that could influence the development, or which might be important as part of the local landscape character. This was incorrect as evidenced by the bat survey, which had indicated that the hedge should be retained. The hedge was also used by birds and it was a wildlife corridor too. The buffer should be retained between the house and the hedge.
- The neighbour to the east was having to take legal action to protect their property boundary.
- For all of these reasons, the Committee was urged to reject the application.

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Member Questions to the Ward Member

25. Members did not have any questions of clarification.

Member Questions to Officers

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

- The proposed development was considered to be consistent with plot sizes/ratios along the road, and had a similar footprint, height, and side setbacks as other properties, and the site sat comfortably within the plot.
- The plans showed that there would be 1m to each side of the proposed house, which would be sufficient to provide access to the rear.
- The applicant had submitted a lawful planning application and officers were happy that the plans were sufficient to identify the plot of land proposed for the dwelling and the constraints of the site. If the applicant did not have sufficient land within his control to the east and west of the building to provide access to the rear of the property, then the site could be considered to be over-developed, which would be a material planning consideration. The applicant had served the correct notice regarding the strip of land to the west of the property. However, if Members were not satisfied that sufficient land in the applicant's ownership could be demonstrated to provide the access to the rear, then they could consider refusal of the application. Similarly, if Members did not feel that there was sufficient land to be able to protect the hedge, then they could consider refusal. Deferring the application to undertake site measurements would only yield details that were already available. The Planning Officer's view was that there was sufficient land available to provide the proposed dwelling.

Debate

27. Councillor Vickers opened the debate. He suggested that the Committee could either approve the application if the applicant accepted the amended ecology conditions, or they could refuse it on the grounds that the hedge could not be protected. He indicated that he was leaning towards the first option. He suggested that it could be up to other forms of law to consider whether the applicant had sufficient land to build the proposed house. He felt that it would be possible to show that the Town Council owned the whole hedge. Historically they had been created by digging a ditch and using the excavated earth to create a mound into which the hedge was planted. He proposed to accept the amended Officer's recommendation to grant planning permission subject to the conditions in the main report and the update report.
28. Councillor Amirtharaj suggested that it would be a matter for litigation if the applicant was seeking to build on land not in his ownership. He suggested that the Committee should look beyond the technical aspects of this application.
29. Councillor Abbs did not feel that the amount of land owned by the developer was sufficient to be able to build the proposed property. He stated that the hedge must be protected. He felt that there were two good reasons for refusal and indicated that he would be minded to oppose the application.
30. Councillor Vickers' proposal was not seconded.
31. Councillor Abbs proposed to reject Officer's recommendation and refuse planning permission on the grounds that the application could not be carried out on land within the applicant's ownership, without adverse impact to the adjacent hedge that was of protected habitat value and ecology value, and that it could not be carried out without

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over-development of the site, resulting in poor quality design and failure to provide access to the rear for amenity access. This was seconded by Councillor Barnett

- 32. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Barnett to refuse planning permission. At the vote the motion was carried.

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

Reasons:

- The application could be carried out on land within the applicant’s ownership, without adverse impact to the adjacent hedge that was of protected habitat value and ecology value; and
- It could not be carried out without over-development of the site, resulting in poor quality design and failure to provide access to the rear for amenity access.

(5) Application No. and Parish: 23/01916/HOUSE - Birkdale, The Ridge, Cold Ash, RG18 9HT

- 1. Agenda Item 4(5) 23/01916/HOUSE – Birkdale, The Ridge, Cold Ash, RG18 9HT was not considered, and was deferred to the next meeting of the Western Area Planning Committee.

(The meeting commenced at 6.30pm and closed at 10.28pm)

CHAIRMAN

Date of Signature