

See the Minutes of 19 June 2024 for amendments.

## **WESTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 MARCH 2024**

**Councillors Present:** Patrick Clark (Chairman), Clive Hooker (Vice-Chairman), 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), Masie Masiwa (Senior Planning Officer), Simon Till (Principal Planning Officer (Team Leader)) and Benjamin Ryan (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Adrian Abbs

#### **PART I**

##### **1. Minutes**

The Minutes of the meeting held on 21 February 2024 had not been completed and would be brought to the next meeting for approval.

##### **2. Declarations of Interest**

Councillor Heather Codling declared an interest in Agenda Item 4(1) by virtue of the fact that she was a Member of Cold Ash Parish Council and Ward Member for the area. She reported that, as her interest was a personal or another registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Antony Amirtharaj, Phil Barnett, Patrick Clark, Clive Hooker and Howard Woollaston declared that they had been lobbied in relation to Agenda Item 4(2).

Councillor Barnett declared an interest in Agenda Item 4(2) by virtue of the fact that he was a Member of Newbury Town Council and Greenham Parish Council where the item had been discussed. He would however be considering the application afresh. As his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Clark declared an interest in Agenda Item 4(2) by virtue of the fact he was the Ward Member and knew two of the Directors of Feltham Construction personally. However, he had not discussed this matter with them. As his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Vickers declared an interest in Agenda Items 4(2) by virtue of the fact that he was a Member of Newbury Town Council and its Planning and Highways Committee. He had been present when the application was discussed but would consider the application with an open mind. As his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Dennis Benneyworth and Tony Vickers declared that they had been lobbied in relation to Agenda Item 4(3).

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Councillor Vickers made a general declaration in relation to the Portfolio Holder for Planning being a Member of a Planning Committee. He had sought advice on this point and been assured by Legal Officers that this did not constitute a conflict of interest and was permitted by the Council's Constitution.

Additionally, he stated that he did not intend to declare his status as Ward Member as a declaration of interest for relevant items at future meetings.

### **3. Schedule of Planning Applications**

#### **(1) Application No. and Parish: 23/01916/HOUSE Cold Ash**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/01916/HOUSE in respect of the erection of a single timber shed to the western side of a property in Cold Ash.
2. Mr Simon Till introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. The report detailed that the proposal was satisfactory in planning terms and officers recommended that the Development Manager be authorised to grant planning permission for the reasons listed in the main and update reports.
3. In accordance with the Council's Constitution, Councillor Heather Codling, Parish/Town Council representative, addressed the Committee on this application.

#### **Parish/Town Council Representation**

4. Councillor Codling in addressing the Committee raised the following points:
  - The proposal contradicted the original development plan in regard to properties blocking views of the Ridge.
  - There was frustration amongst Parish Councillors that conditions placed on development plans were being overturned.

#### **Member Questions to the Parish/Town Council**

5. Members asked questions of the Parish Council and received the following response:
  - An unacceptable fence would be one that blocked the view.

#### **Ward Member Representation**

6. Councillor Clive Hooker, reading a statement on behalf of Councillor Paul Dick, raised the following point:
  - The recent development was granted with considerable restrictions and these restrictions should be observed.

#### **Member Questions to the Ward Member**

7. Members did not have any questions of clarification.

#### **Member Questions to Officers**

8. Members asked questions of the officers and were given the following responses:
  - The layout of the fence that was approved appeared to be different from what had been erected. It was advised that whilst the proposal should be considered in isolation the location of the fence was material as the location in which it had been built partially obscured the location of the proposed shed. However, the fence would still be approved in this location.

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- General amenity allowed for permitted development rights of up to 1.8m, in this case the Inspector restricted all permitted development rights in relation to the means of enclosure and outbuildings due to the visual sensitivity of the location.
- The Committee were shown images illustrating how previous developments had obstructed views in the area.
- Mr Till advised he was not the case officer on this application so had limited background knowledge and as a result could not comment on whether two sheds would have been approved. It was stated however that this was not relevant to the proposal in front of the Committee.
- Considerations as to how the plans related to the visual impact on the area were material to this planning application and Members should make their determination on that basis.

### **Debate**

9. Councillor Tony Vickers opened the debate by stating that upon visiting the site he did not feel as though views of the Ridge would be affected by the proposal at all due to the ground dropping away. Councillor Vickers advised that he had originally opposed the proposal to build the dwelling but saw no reason to reject this proposal.
10. Councillor Howard Woollaston advised that when visiting the site, he was impressed with what had been built.
11. Councillor Phil Barnett stated that he agreed with Councillor Vickers sentiments and was supportive of the proposal.
12. Councillor Codling informed the Committee that she did not have strong views either way. She argued people's frustrations were centred around the fact that the distance could not be seen as clearly due to developments. She stated that she sympathised with the Parish Council and queried where this could lead to. She stated that there was the potential to lose the integrity of the approved plans further down the line if other homeowners wanted to undertake similar developments.
13. Councillor Hooker highlighted that when plans previously came through to Committee there were several challenges that had to be overcome and that permitted development rights were removed. He shared Councillor Codling's concern that this could create an issue of precedent.
14. Councillor Antony Amirtharaj stated that the concerns of the Parish Council must be taken into account. He queried whether a precedent was being set of accepting applications on account of technicalities and ignoring the concerns of parish council members. He confirmed that he had been to the site, and he did not see any issue with the visual impact, but that he was torn between what was being proposed within the legal limits and ensuring residents' views were considered.
15. Councillor Dennis Benneyworth argued that on balance the proposal had to be accepted.
16. Councillor Benneyworth proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Tony Vickers.
17. The Chairman invited Members of the Committee to vote on the proposal by Councillor Benneyworth, seconded by Councillor Tony Vickers to grant planning permission. At the vote the motion was carried.

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**RESOLVED** that the Development Manager be authorised to grant planning permission subject to conditions.

### (2) **Application No. and Parish: 22/02754/OUTMAJ Newbury**

18. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 22/02754/OUTMAJ for a hybrid planning application seeking full planning permission for a food store with a floor area of 1800 square metres (Use Class E(a)) together with drainage, parking and associated access, infrastructure, and landscaping; and outline planning permission (matters to be considered: access) for up to 75 residential units (Use Class C3) high-capacity Electric Vehicle (EV) charging area, and residential care accommodation, containing up to 70 beds (Use Class C2), together with open space, play space, drainage, parking and associated access, infrastructure, landscape, bund on the eastern boundary with the A339, ancillary and site preparation works. Land East of Newbury College, Monks Lane, Newbury.
19. Masie Masiwa 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 scheduled of conditions and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms (Section 8 of the report).
20. **Or**, if the Section 106 legal agreement or Unilateral Undertaking was not completed, to delegate to the **Development Manager** to **REFUSE PLANNING PERMISSION**.
21. The Chairman asked Paul Goddard if he had any observations relating to the application and Paul Goddard made the following observations:
22. The majority of traffic from the development would be via Monks Lane, which had been accepted by the Highways Team. Highways Officers had reservations and would have preferred traffic to exit via the south. Referring to Page 37, Paul Goddard noted the access road through Newbury College was a private road.
23. With the access road being private, it would be difficult to enter a Section 38 adoption process within part of the residential development. Condition nine in the report ensured that the highway would be designed and constructed to an adoptable standard should it become possible in the future and would enable access by the Council's Waste Service and Contractors.
24. There were no concerns regarding the layout of the proposed car parking for the retail store and it compared to similar stores approved across the district.
25. Not all traffic generation for the store would be new to the network. Some traffic would be pass by trips from the A339 that might stop by breaking up a journey, or linked trips that would already be visiting e.g. the college and would not be counted as they were already on the road network and accounted for.
26. Paul Goddard noted that at the bottom of page 37 there was a projected traffic generation for the various uses and totals overall. The projected traffic generation for this planning application and its impacts had not been easy to assess.
27. The applicants Highway Consultants had worked closely with Paul Goddard on the Planning Application. An issue regarding the assessment of this Planning Application stemmed from its location in proximity to the Strategic Housing site of Sandford Park, which included an extensive package of mitigation measures, and the

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assessment took into consideration whether they would still work if this Planning Application was accepted.

28. The mitigation measures for Sandleford Park were not included in this application, but some objections had been made about them. For Information, Paul Goddard informed the Committee about the relevance the mitigation measures had regarding the proposal, and when they would likely be constructed.
29. Paul Goddard noted the mitigation measures planned for the A339 / B4640, to encourage traffic from the South to go towards the A34, a reconfigured roundabout, a reduced northbound lane for a distance to a single lane, and the potential for a reduction in speed limit to 40 Mph. The mitigation measure for Sandleford Park should be in place by late 2027.
30. Paul Goddard noted the mitigation measure planned for the A339 / A343 Roundabout. The mitigation measure should be in place by 2028.
31. Paul Goddard stated that the mitigation measures for the A339 / B4640 and the A339 / A343 were Section 278 works provided by the developer.
32. Paul Goddard noted the mitigation measure planned for A339 / Pinchington Lane / Monks Lane, with substantial traffic signal junctions with all purpose pedestrian crossings. The mitigation measure should be in place by 2034.
33. Paul Goddard stated that the gap in delivery time of the packages of mitigation measures would ensure that the additional highway capacity would benefit Sandleford Park.
34. The Highways Officers and the Developers of this proposal used the same traffic model which covered all of Newbury in planning the Sandleford mitigation measures which informed them of the suitability of the mitigation measures when including this proposal on top of the Sandleford development.
35. Paul Goddard noted the table on Page 38, which showed the four peak columns for the PM peak without the developments, with Sandleford and its mitigation measures, with Sandleford and this proposal, and this development with reprogrammed traffic signals.
36. Paul Goddard stated that with the mitigation measures planned for Sandleford and adjustments to traffic signals, there would not be a negative impact on the road network.
37. Paul Goddard noted that the design would be refined going forward, with an updated Vis model.
38. Highways Officers recommended approval, with no objections.
39. Paul Goddard stated that the traffic conditions would worsen until the mitigation measures were completed.
40. In accordance with the Council's Constitution, Councillor Billy Drummond, Parish Council representative, Iain Wolloff, supporter, Sean Bates and James Iles, applicant/agent, addressed the Committee on this application.

### **Parish/Town Council Representation**

41. Councillor Billy Drummond in addressing the Committee raised the following points:
  - Greenham Parish Council supported the development of 75 residential units with open play spaces, and the Aldi store and parking facilities.

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- Greenham Parish Council were concerned with the noise from delivery vehicles during the night.
- They supported the 70 bed care home with a 20 bed hospice.
- Strongly advocated for the approval of the application

### **Member Questions to the Parish/Town Council**

42. Councillor Drummond responded to questions as follows:

- Greenham Parish Council had not considered adopting the public open space.

### **Supporter Representation**

43. Iain Wolloff (Newbury College Principal) in addressing the Committee raised the following points:

- Newbury College supported the application for the following reasons: it made good use of surplus land that the College owned before selling to the developer, development brought great benefits to the community, it secured educational benefits for the area, it would enable the College to invest in the area and raise needed funds from the land sale, the College's plan over a long period had received support from government, politicians, local community groups, and employees in the area.

### **Member Questions to the Supporter**

44. Members asked a number of questions, and Mr Wolloff responded as follows:

- The land had been sold to NCII, but the college had a vested interest in the success of the proposal.
- It would be necessary for 3.5 years to meet the high cost of ending the PFI.
- Land sale would enable delivery of education of skills.
- This was vital for the immediate position of the college, and for further development.
- The College Corporation owned the service road leading into and across the site. Building of the Highwood Copse Primary School had led to the service road being opened for a period.
- College Corporation would consider adoption of the roads by West Berkshire Council, with no objection in principle.
- Did not want a rat run occurring on the service road.

### **Applicant/Agent Representation**

45. Sean Bates and James Iles in addressing the Committee raised the following points:

- The retail sequential test looked at more than brownfield sites (paragraph 622).
- Paragraph 630, the Thatcham catchment, had been deemed beyond the reasonable retail catchment area – the assessment focussed, by agreement with officers, on the Newbury area.
- The assessments of the London Road Industrial Estate were, by agreement, focused on the retail frontage.
- Members could delegate the agreement of the final wording of conditions to Officers.
- Specific conditions had been amended in relation to the opening hours of the store.

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- Wide consultation of 4500 households and social media outreach had been undertaken.
- Zero carbon had been offered, with a strong drainage solution.
- Biodiversity Net Gain had been offered.
- Would be open to the adoption of roads.

### **Member Questions to the Applicant/Agent**

46. Members asked a number of questions and Sean Bates and James Iles responded as follows:

- Would be open to discussions with Sandleford developers regarding phasing of the development.
- The delegation of agreement of final wording to Officers would improve timing and implementation.
- The hospice would be built by a separate developer.
- The majority of the site would be within settlement.
- The retail store would be built first with housing built afterwards, due to capacity phasing challenges with drainage in the District.

### **Ward Member Representation**

47. Councillor Marsh in addressing the Committee raised the following points:

- The area did not need another superstore considering the number of nearby stores.
- Residents were concerned with the impact the development would have on traffic on Monks Lane and surrounding roads.
- Could not find evidence for demand for an Aldi on the site.
- Questioned why electric vehicle charging had not been part of the application.
- More houses on the site instead of the retail store would be more beneficial to the community.
- The site would not meet the requirements for onsite biodiversity net gain and would have to purchase off site credits.
- The southern part of the site could be turned into a wildlife nature reserve.

### **Member Questions to the Ward Member**

48. Members asked a number of questions and Councillor Marsh responded as follows:

- The housing proportion of the site had been good.
- It had been a model housing development but would prefer additional housing on the site.
- An additional retail store could threaten nearby stores, and the shopping centre due to be built on the Sandleford site.

### **Member Questions to Officers**

49. Members asked a number of questions and Officers responded as follows:

50. Thames Valley Police considered the proposal secure based on design. The main concern with anti-social behaviour had been with the food store car park.

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Landscaping within the carpark would break it up, along with a barrier for access and bollards. A retractable bollard plan onsite with CCTV overlooking the car park would be installed. Thames Valley Police could be contacted regarding reserve matters on the layout and natural surveillance.

51. Paragraph 6.64, proposal on public open space, indicated multifunctional public space with locally equipped play area. It would be secured via a Section 106 legal agreement. Condition 30 recommended a public open space condition which requested, prior to foundation level, details of on-site public open space including leap equipment details, covering footpaths and finer details of public open space. The size of the open space had been acceptable in principle, even though it had been less than the requirement for the number of dwellings because of the size and what had been proposed. Officers considered that it met the policy requirement.
52. Point 6.75 Maintaining the Roads. Without a Section 38 Agreement in place, developers would appoint a management company to maintain the roads on behalf of residents.
53. Point 6.77 Number of Electric Vehicle Chargers. The four electric vehicle chargers would accommodate four cars. There would be periods where the car park would be busier than 50% capacity.
54. Highways Officers were satisfied that there were adequate pedestrian facilities within the Newbury College site to enable students to cross safely.
55. Paul Goddard to look through Transport Assessment to find maximum traffic movements in a day.
56. Following consultation with environmental health officer, opening hours would be 10:00 – 18:00 on a Sunday. Delivery times, following consultation with Environmental Health Officer, would follow.
57. Page 46 legal agreement and long-term government and maintenance of the public open space including the leap, landscaping buffers, green infrastructure and drainage measures. Final legal agreement allowed, within the negotiation of the heads of terms, for the Council to have an option on these points. The link through to the A339 would be part of the Sandford development, and one of the first phases of the development parcel north, which was likely to be in place by 2028.
58. The residential site would be considered further at reserved matters, particularly in the layout and landscaping with any mitigation in terms of noise impacts. Addressed in the conditions recommended regarding noise impact. As the planning application had been in part an outline planning application, certain details had been unknown, as they had been purely indicative in terms of drawings. Planning permission ran with the land not with the applicant. The hospice and care home could be picked up by alternative providers. Any application for planning permission had to be considered in accordance with the policies of the development plan at the time.
59. The application for outline planning permission had been indicated for development of a care home and hospice, the ultimate form of that application being brought forward at reserved matters determining the layout of the site, which would determine whether a hospice would be included. The maximum beds for both would be 70 beds.
60. Officers made an assessment which involved consideration of the requirements of policy ADPP1 which required that development outside settlement to be focused on addressing identified needs and supporting the rural economy if applicable. A needs assessment by the applicant demonstrated the need for a care home, which had been supported by the Council's internal assessment based on housing need for provision



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of a care home. Policy ADPP1 referred to development adjacent to settlement boundaries.

61. Officers had spent a significant amount of time with the applicant looking at various aspects of the application. Officers had recommendations relating to the phasing of work and phasing requirements were contained within the conditions. There would always be a risk with planning applications that an applicant would not fulfil an entire planning application unless there were sound material grounds for doing so. The Council would not be able to insist on an entire application being built out and would not reasonably be able to condition an entire application being built. In this instance it would not be feasible to condition that the housing would be built before the retail element
62. There would not be a significant impact on students or residents to the south by delivery vehicles to the retail store.
63. There would be delivery vehicles making deliveries during the day. The specifics would be available in the Transport Assessment.
64. As the planning application was an outline planning application, issues regarding Heat Pumps would be more appropriate to be raised in reserved matters. There was a recommendation in terms of Net Zero for the residential aspects of the development. While the Committee could require a developer to provide Net Zero, it could not be overly prescriptive in the methodologies the developer used to deliver on the Net Zero requirement.

### **Debate**

65. Councillor Vickers opened the debate by stating that the application had been put forward by a local developer and stated that he would be confident that they would be able to deliver the scheme on time. Councillor Vickers was reassured that there were options to alleviate the short-term traffic congestion that would occur between the period that the supermarket would be open and the period that some mitigation to the highway network would be achieved. Councillor Vickers noted that the supermarket would be unlikely to affect the Community Centre to be built in Sandleford. Councillor Vickers stated that the scheme should be supported, with concerns alleviated.
66. Councillor Amirtharaj stated concern that the public open spaces and roads would not be adopted by West Berkshire Council. Councillor Amirtharaj stated that public open spaces and roads should be adopted by West Berkshire Council.
67. Councillor Amirtharaj was concerned by the size of the car park as set out in the planning application. He questioned whether a car park of that size would be necessary, and whether a smaller car park would be more appropriate with more housing allocated. Councillor Amirtharaj stated that he would support the application if half of the car park would be allocated to housing.
68. Councillor Amirtharaj supported the inclusion of net zero but noted that without specific conditions being implemented in the planning permission, they would be unlikely to materialise.
69. Councillor Amirtharaj highlighted the use of a heat pump for the retail site, but not for the residential site, and questioned whether a condition could be added to necessitate use of a heat pump.
70. Councillor Amirtharaj commented that broadband should be fibre broadband. He also stated that there had been no mention of control by residents regarding the development company or choosing the broadband company. Councillor Amirtharaj highlighted that he was talking on behalf of residents who had previously faced issues

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on other sites. Councillor Amirtharaj was concerned that acceptance of the application would leave residents at the mercy of private landlords, and that the roads would not be adopted.

71. Councillor Hooker stated that he had been negative about the application, however, had considered it more positively after reports from Officers. Councillor Hooker noted that there would be the opportunity to put conditions on the application regarding the food store. He noted that the traffic mitigation would be expensive to deliver. Councillor Hooker supported the residential element and was supportive of the application.
72. A point of order raised by Councillor Benneyworth stated that the conditions highlighted by Councillor Amirtharaj regarding heat pumps would be discussed as part of a separate application that would be looked at by the Western Area Planning Committee.
73. Councillor Barnett stated that he had reservations at certain stages regarding the application. He stated that his main concern had been regarding the traffic movements. Councillor Barnett highlighted the mixed housing that would be built with the acceptance of the application, and the extra care beds that would be provided. Councillor Barnett stated that he had initially been concerned with the retail store, considering the nearby retail park, however with the location of the retail store more residents would be able to travel to the store without the need of a car.
74. Councillor Barnett supported the application and stated that the application would be a good opportunity to support a local facility. He supported the use of a local building company.
75. Councillor Benneyworth stated that reports from Officers had met most of the concerns he had with the application. Councillor Benneyworth supported the proposed care home and the 40% affordable housing units, and on balance, supported the application.
76. Councillor Woollaston stated that most mixed-use schemes relied on one part subsidising the other. The 40% affordable homes were desperately needed, the nursing home was desperately needed, Aldi would not take on the store unless there would be a commercial reason to. Councillor Woollaston supported the application.
77. Councillor Codling stated that supermarkets knew their own markets. The level of detail in the negotiation that has occurred with officers was to be commended.
78. Councillor Vickers raised a point of order, that once Councillor Codling proposed to accept the Officers recommendation and grant planning permission, a seconder should have been sought and then a vote should have been held.
79. Sharon Armour sought clarification on the opening hours. They were clarified as 10:00 – 18:00 on a Sunday. 0800 – 2200 Monday – Saturday and on Bank Holidays.
80. Simon Till stated that neither the proposer nor the seconder suggested changes to conditions. In respect to the recommended conditions, and the hours of opening, the condition concerned had been received from the Environmental Health Officer as a recommendation and the applicant had not had the opportunity to comment upon it. Simon Till suggested Members could consider amending the resolution to delegate back to Officers to discuss opening hours with the applicant.
81. Councillor Woollaston put forward the condition that the road should be adopted by West Berkshire Council, and the public open space, but also suggested putting forward that it would be the Committee's preference, so that it would be dealt with under reserved matters.

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82. Councillor Amirtharaj supported the conditions suggested by Councillor Woollaston.
83. Councillor Hooker raised a point of order, with a proposal having a proposer and a seconder, that the conditions should be confirmed.
84. Sharon Armour agreed and stated that Paul Goddard should set out the conditions on the application regarding Section 38. Sharon Armour stated that the position of West Berkshire Council was that there would be no policy basis to enforce adoption as stated in the agenda.
85. Paul Goddard supported Councillor Amirtharaj's desire for roads to be adopted by West Berkshire Council and stated that a local design guide was nearing publication. While the document had not been ready for publication, in the future it would encourage developers to enter into a Section 38 Agreement to have roads adopted for access roads serving more than five houses. Paul Goddard deferred to advice from Planning and Legal Officers, stating that Highway adoptions were separate laws to the Town and Country Planning Act. Section 38 fell under the Highways Act 1980. Paul Goddard stated that there would be policies in place going forward to ensure roads would be adopted.
86. Councillor Codling proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Woollaston
87. The Chairman invited Members of the Committee to vote on the proposal by Councillor Codling, seconded by Councillor Woollaston to refuse/grant planning permission. At the vote the motion was carried.

**RESOLVED that** the Development Manager be authorised to grant planning permission subject to the schedule of conditions and the completion of a Section 106 legal agreement or Unilateral Undertaking as outlined in the heads of terms.

Heads of terms for the legal agreement remained as proposed in the agenda pack which included Councillor Amirtharaj's option for the Council to enter discussions to take on open space management. The conditions remained as per the agenda pack and the updates sheet, which included the delegation to officers to negotiate opening hours. Simon Till stated that an informative regarding the applicant entering discussions with the Council regarding the adoption of the College access road and the roads on the site would also be added to the application.

**Or,** if the Section 106 legal agreement or unilateral undertaking is not completed, to delegate to the Development Manager to refuse planning permission.

### **(3) Application No. and Parish: 23/02799/FUL Hamstead Marshall**

88. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application: 23/02799/FUL which sought permission for the erection of a temporary dwelling for a rural worker.
89. Simon Till 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.
90. The Chairman asked Paul Goddard if he had any observations relating to the application, and Paul Goddard Responded as follows:

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91. Page 18, the access existing into the site would be improved with surfacing for the first five metres.
92. Any increase in traffic generation would be offset by having accommodation overnight to look after the alpacas.
93. Not expected to be much change in existing vehicle movements.
94. Highways Officers supported the application.
95. In accordance with the Council's Constitution, Conan MacDermott, applicant, and Councillor Tony Vickers, Ward Member, addressed the Committee on this application.

### **Applicant/Agent Representation**

96. Conan MacDermott in addressing the Committee raised the following points:
  - The applicants had established their own business.
  - There were 24 breeding alpacas, with 12 pregnant.
  - Alpacas were induced ovulators with a very large birthing window, with stress causing miscarriages and issues within the first two to three months.
  - Living onsite would ease caring for the alpacas.
  - Caring for the alpacas required long days starting from 06:00 and often ending past 01:00 the next day.
  - Allowing the permission would support farming enterprises and diversification, and protection of a small rural business, which would be in line with Policy CS10 of the Council's Core Strategy.

### **Member Questions to the Applicant/Agent**

97. Members did not have any questions of clarification.

### **Ward Member Representation**

98. Councillor Vickers in addressing the Committee raised the following points:
  - Concerns regarding the viability of the business.
  - Receiving temporary permission as a startup had been common.
  - Satisfied that there were no alternative accommodations on site or suitably near to the alpaca site.
  - Uncertain the number of alpacas would be sufficient to maintain the business going forward. However, they would likely breed, and there would be more alpacas, and there would be the land available within the ownership of the family.
  - The hard work put in by the applicant had been clear.
  - Councillor Vickers supported the application.

### **Member Questions to the Ward Member**

99. Members did not have any questions of clarification.

### **Member Questions to Officers**

100. Members asked a number of questions, and Officers responded as follows:
  - The norm for a generic temporary accommodation would be three years. The figures given to the Council would not break even at three years, however weight

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had been given to the rural enterprise within the countryside. A definitive business case had been submitted, supported by agricultural consultants, which stated that at year four the business would start to show a profit. Therefore, the appropriate time for assessment would be after four years.

- The enforcement matters were separate regarding the barn. The application initially posed challenges for officers considering it because of the accommodation within the barn. The unauthorised accommodation had been subject to an enforcement notice. The applicant promptly complied with the enforcement notice. Separate from the enforcement notice, there had been a six-metre extension to the barn which had not received planning permission. That was outside the purview of the application and officers would address that separately.
- C5 Section 8, The site had been separated from Holt Farm within the past ten years. None of the dwellings on the farm would be available to the business.
- Officers were satisfied with the market research exercise to support the application.

**Debate**

101. Councillor Amirtharaj opened the debate by agreeing with Councillor Vickers points regarding the site visit, and the explanation of the officers regarding the accommodation.
102. Councillor Woollaston praised the hard work shown by the applicants and supported the application.
103. Councillor Benneyworth stated that the site had previously been troubled regarding planning applications. On balance, Councillor Benneyworth supported the application.
104. Councillor Vickers stated that enforcement would be linked in with the planning system and how it would be viewed by the public. Other issues that had occurred in the parish and throughout the ward would be investigated. Councillor Vickers supported the application.
105. Councillor Amitharaj proposed to accept Officer’s recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Woollaston
106. The Chairman invited Members of the Committee to vote on the proposal by Councillor Amirtharaj, 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 conditions.

*(The meeting commenced at 6.30pm and closed at 9.58pm)*

**CHAIRMAN** .....

**Date of Signature** .....