

# **WESTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 22 MAY 2024**

**Councillors Present:** Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Denise Gaines, Nigel Foot, Tony Vickers and Howard Woollaston

**Also Present:** Sian Cutts (Senior Planning Officer), Paul Goddard (Team Leader - Highways Development Control), Stephen Chard (Democratic Services Manager), Sam Chiverton (Apprentice Democratic Services Officer), Debra Inston (Development Control Team Manager), Nicola Thomas (Service Lead - Legal and Democratic), Paul Bacchus (Principal Engineer), Jake Brown (Principal Planning Officer) and Lewis Richards (Planning Officer)

### **PART I**

#### **1. Minutes**

The Minutes of the meeting held on 21 February 2024 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

##### **Item 3 (1) – 23/00397/OUTMAJ – Bath Road Speen**

Condition 46 – Station Road Emergency Access – be amended to reflect the point agreed within the debate:

- 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 50<sup>th</sup> unit was occupied, whichever was the earlier.

Clarification was also sought on the query raised in paragraph 15, bullet point 1 of the minutes. It was clarified that the Community Infrastructure Levy (CIL) figure of £18,000 was for the development as a whole and not per dwelling.

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

Councillor Adrian Abbs declared that he had been lobbied on Agenda Item 4(1).

Councillor Tony Vickers declared an interest in Agenda Item 4(2) by virtue of the fact that he was a Member of the North Wessex Downs AONB Council of Partners who would have an interest in this application. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Nigel Foot declared an interest in Agenda Items 4(1) and 4(3) by virtue of the fact that he was a Member of Newbury Town Council's Planning and Highways Committee. He reported that he would make an informed decision based on what he heard at this meeting. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Antony Amirtharaj declared an interest in Agenda Item 4(3) by virtue of the fact that he was the Ward Member and had been lobbied by residents, but reported that he would be considering the application with an open mind. Therefore, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

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Councillor Phil Barnett declared an interest in Agenda Item 4(3) by virtue of the fact that he was a Member of both Newbury Town Council and Greenham Parish Council, and was present at a meeting of Newbury Town Council's Planning and Highways Committee when this particular item was discussed. However, he reported that he would weigh up all evidence put before Members prior to any vote. As his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

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

The Chairman advised that it had been brought to his attention that a representative from Chieveley Parish Council and an objector had stated that they had registered their intention to speak but had not been included on the list of speakers for Agenda Item 4(2).

Members resolved to suspend standing orders to allow the Chieveley Parish Council representative and the objector to speak on the item.

#### (1) **Application No. and Parish: 23/01361/FULMAJ - Land north of Spring Gardens, Andover Drive, Wash Water, Newbury**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/01361/FULMAJ in respect of the proposed installation and operation of a solar farm with ancillary equipment including inverter and substation house, security cameras, deer fence, new highway access and landscaping scheme.
2. Mr Jake Brown, Principal Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main report.
3. The Chairman asked Mr Paul Goddard, Highways Development Control Team Leader, if he had any observations relating to the application. Mr Goddard reported that Highways Officers were satisfied with the proposed access to the site. He confirmed the additional traffic movements that were anticipated both during the construction phase and post construction.
4. In accordance with the Council's Constitution, Mr Sam Dibas, Parish Council representative, Mr John Lynes, Mr Tom Jones and Mr Stuart Gregory, objectors, and Ms Jane Grindy, applicant/agent, addressed the Committee on this application.

#### **Parish Council Representation**

5. Mr Dibas addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwlxBU?t=1839>

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

6. Members asked questions of clarification of the Parish Councillor and received the following responses:
  - There would be the opportunity for the local community to invest in solar energy.
  - The current usage of the land was for allotments and some grazing. Residents had not raised any concern with regards to the proposed loss of allotment land.

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- The Parish Council had engaged with the local community on this proposal. Positive responses had been received to the resident survey. Residents were invited to public meetings and given the opportunity to ask questions.
- Some of the Members of Enborne Parish Council were Trustees of the land and a potential conflict of interest was queried. Mr Dibas advised that the process had been fully transparent with public meetings and publicly available documentation. Mr Dibas had personally declared an interest as both a Trustee and Member of the Parish Council.

### **Objector Representation**

7. Mr Lynes, Mr Jones and Mr Gregory addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=2367>

### **Member Questions to the Objector**

8. Members asked questions of clarification of the objectors and received the following responses:
- The land had been used for allotments, but this had not been the case for some time.
  - The potentially high cost of decommissioning the site when the time came was of concern. It had not been made clear whether this cost would be met by the developer.
  - The proposal could be more palatable if flood alleviation conditions could be secured, but this would depend on the wording of the conditions.
  - It was confirmed that flooding continued on some areas of the site. For example, the ditch between Spring Gardens and the field was not maintained and resulted in flooding. This was a worsening situation.
  - Drainage to the rear of Spring Gardens did not serve to alleviate the flooding.
  - Residents wanted clarity on the flood mitigation measures that would be implemented. There was currently uncertainty.

### **Applicant/Agent Representation**

9. Ms Grindy addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=3473>

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

10. Members asked questions of clarification of the applicant/agent and received the following responses:
- Surplus funds generated from the site would be invested into the local area. The specifics of this investment would be determined by the Charitable Trust formed by the Parish Council.
  - The power generated from the site would be significant. The figures provided in the report had been rounded up, but Ms Grindy clarified that in excess of three million megawatts and over 600 tonnes of carbon would be generated, benefiting over 1000 homes.
  - The aim, in relation to drainage and flooding concerns, was to greatly improve the situation. The application included infiltration measures.

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- Maintenance of the site was a condition of approval, and a contract had been drafted for this purpose. This would include sowing of wild flowers to help water retention, annual grass cutting and sheep grazing.

### **Ward Member Representation**

11. Councillors Tony Vickers and Dennis Benneyworth addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=4119>

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

12. Members asked questions of clarification of the Ward Members and received the following responses:
  - Councillor Vickers called-in the application. He was pleased to see the proposal come forward, but it was important to ensure that the necessary steps were being followed throughout the process.
  - He clarified that the proposed development was being promoted by the Parish Council with its partners.
  - Flooding and drainage issues within the red line of the site were the responsibility of David Wilson Homes and not individual residents. Beyond the red line, it would be necessary for multiple partners, including the Charitable Trust, to work together to resolve these concerns. The Ward Members had suggested that this be taken forward in liaison with residents.

### **Member Questions to Officers**

13. Members asked questions of clarification and received the following responses:
  - Greater clarity was sought on the comments made in the report from the Council as Lead Local Flood Authority. Mr Paul Bacchus, Principal Engineer, reported that areas of uncertainty had been raised, but he gave an assurance that officers were satisfied with the drainage measures proposed, which would manage flood risk on the site. Conditions would also ensure that any outstanding drainage matters would be addressed. Further confirmation on these points would be provided as part of the Member questions to Officers.
  - Mr Brown clarified that drainage measures were subject to conditions and that it was common practice that full details would not be provided for drainage prior to the granting of planning permission as this was a costly and time consuming burden for applicants. This was therefore a matter for conditions, and applicants would provide further details once they had some certainty that their proposal would be developed. However, Mr Brown added that the applicant had submitted extensive drainage information and officers had been assured that surface water could be adequately managed on site and would not result in flooding external to the site.
  - However, if the results from the infiltration testing were not acceptable then the site would not be developed at that stage. Similarly, the generation of electricity would be prevented until the drainage measures had been completed. Conditions gave controls over the development.
  - A Flood Risk Assessment and Surface Water Drainage Plan had been produced subsequent to the previous application for the site being withdrawn and sought to address existing drainage concerns, both inside and outside the red line. The information on flood risk external to the red line was provided as context.

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- Mr Brown agreed that the wording of condition 4 (drainage measures) could be amended to make clear that the development would not start generating electricity until the drainage measures were implemented in full.
- Mr Bacchus explained that there was no distinct national guidance on flood risk and drainage for solar farms. However, the nature of these developments meant that any additional surface water run off was minimal. Greater concentration was given to the drainage for access roads for this type of application and measures would be in place for this. The applicant had submitted sufficient information which evidenced that there would not be an increase in surface water run off, with further details secured by conditions. Officers considered that the proposals were acceptable and were satisfied that the proposed drainage measures, which would be fully tested, would manage the surface water run off.
- There was also some assurance that existing areas of flood risk would not be exacerbated by the development. Discussion would however continue on existing drainage issues external to this meeting.
- Mr Bacchus clarified that the maintenance strip referred to in the proposal would have its own dedicated drainage.
- In response to the suggestion that a S106 legal agreement be a consideration for this site to help manage drainage issues, Mr Brown confirmed that the National Planning Policy Framework (NPPF) set an expectation that conditions be secured for a planning application ahead of formulating a S106 legal agreement. Conditions had been secured in relation to drainage matters and for the decommissioning of the site, should planning permission be granted.
- A deer proof fence was part of the proposal and this would ensure that the grazing sheep would be contained within the site.

### **Debate**

14. Councillor Adrian Abbs opened the debate. He firstly made the point that the Committee was restricted to considering what was within the red line of the site. He noted that work had already been undertaken to mitigate the impact of the development and conditions would ensure that controls would remain in place, i.e. in terms of drainage and flood risk.
15. Action needed to be taken on climate change and Councillor Abbs was supportive, on balance, of the application.
16. Councillor Tony Vickers stated he would, with his fellow Ward Members, take forward the concerns of the Spring Gardens' residents and seek to resolve the pre-existing issues that had been highlighted.
17. Councillor Vickers proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and subject to the amendment raised to condition number four. This was seconded by Councillor Antony Amirtharaj who was hopeful that community benefits could be achieved.
18. Debra Inston, Development Control Team Manager, sought clarification on the amended wording for condition four. The amended paragraph was agreed as 'The installation of solar panels shall not commence until the drainage measures have been completed in accordance with the approved details. Thereafter, the development shall be managed and maintained in accordance with the approved details.'

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19. The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Vickers, seconded by Councillor Antony Amirtharaj 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. Condition number four was amended as follows:

### 4. Drainage Measures

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology;
- d) Include run-off calculations based on current rainfall data models (FEH 2013 preferred), discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- g) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- h) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- i) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- j) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);

**The installation of solar panels shall not commence until the drainage measures have been completed in accordance with the approved details.** Thereafter, the development shall be managed and maintained in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be,

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and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and the Sustainable Drainage Supplementary Planning Document (December 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

### **(2) Application No. and Parish: 23/01577/FUL - Buildings and land to the rear of Londis Stores, High Street, Church Lane, Chieveley**

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 23/01577/FUL in respect of the proposed demolition of industrial units and pigsty, and the construction of 4no. residential dwellings and parking provision (pursuant to refusal 22/00106/FULD).
2. Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main report, and a S106 Agreement.
3. The Chairman asked Mr Paul Goddard, Highways Development Control Team Leader, if he had any observations relating to the application. Mr Goddard stated that the concerns raised by the local community had been noted for this rural road. However, it had been assessed by highways officers on the basis that the site previously housed a bakery. There would therefore have been many vehicles travelling to and from the site, including delivery vehicles.
4. Should the proposal be approved, the number of vehicles was expected to decrease and vehicles were expected to be smaller in scale when compared to its previous commercial use. Refuse vehicles could access the site.
5. The proposal was compliant with the Council's parking standards, would provide EV charging points and cycle storage. There were no objections to the application on highways grounds.
6. In accordance with the Council's Constitution, Mr David Cowan, Parish Council representative, Mr Neil Courtney, objector, and Mr David Mead, agent, addressed the Committee on this application.

#### **Parish Council Representation**

7. Mr Cowan addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwlxBU?t=8932>

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

8. Members did not have any questions of clarification.

#### **Objector Representation**

9. Mr Courtney addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwlxBU?t=8418>

#### **Member Questions to the Objector**

10. Members asked questions of clarification of the objector and received the following responses:

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- There had been a previous proposal for two dwellings on this site. This was a much more suitable scheme but it was withdrawn due to concerns over the brownfield areas of the site.
- The site had flooded in June 2023. This followed heavy rains and the storm drains were unable to cope.

### **Agent Representation**

11. Mr Mead addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=9150>

### **Member Questions to the Agent**

12. Members asked questions of clarification of the agent and received the following responses:
- Mr Mead was not aware of a previous proposal for two houses on this site. He stated that the number of dwellings for this proposal had reduced from six to four dwellings.
  - There were two semi-detached sheds which were shared by neighbouring properties.
  - He acknowledged that his brief as agent was to maximise the use of the land.
  - It was not particularly unusual to have obscured glass for a bedroom window. It was chosen in this case as preferable to having a roof light.

### **Ward Member Representation**

13. Councillor Paul Dick addressed the Committee on behalf of his fellow Ward Member, Councillor Heather Codling. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=9628>

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

14. Members did not have any questions of clarification.

### **Member Questions to Officers**

15. Members asked questions of clarification and received the following responses:
- A previous application for the site had been refused by planning officers under delegated powers as it did not achieve nutrient neutrality and there were drainage concerns. Should Members refuse planning permission for additional reasons then the Council could incur costs at an appeal. However, this would depend upon the strength of any additional reasons for refusal.
  - Affordable housing provision did not apply to this proposal.
  - In terms of amenity space, officers sought to follow supplementary planning guidance. The gardens proposed would provide basic requirements including cycle storage, the gardens would not be significantly overlooked or overshadowed. The conclusion of the case officer for the refused planning application was that amenity space was sufficient.
  - The conclusion reached by officers for this application was that the applicant had worked to overcome the specified refusal reasons of the previous planning application.



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- The Village Design Statement was a material consideration and was given weight. Officers felt that the proposal was compliant with the Village Design Statement as it was the intention to use traditional materials and have cottage style windows.
- It was not felt that the development would worsen the flood risk in Chieveley. The infiltration system being proposed could result in improvements to drainage.
- The obscured glass and non-opening window applied to plot 2. This would be on the side elevation of the dwelling. Only the high level upper window could be opened and this was at the required height to prevent overlooking of neighbouring properties. Officers considered this to be acceptable.

### **Debate**

16. Councillor Clive Hooker opened the debate by stating that this was an attractive downlands village. He felt the proposal before the Committee was a poor design and constituted overdevelopment of the plot. Garden space was small.
17. Councillor Hooker considered that if the application was rejected and the decision appealed, then the Planning Inspector could be sympathetic to the Committee's views. He did not feel that the risk of costs should be a deciding factor.
18. Councillor Tony Vickers was surprised that this application was recommended for approval by officers when considering the planning policy implications. He was concerned that approval could set a precedent for future applications. The private amenity space was not acceptable, nor was it acceptable for bedroom windows to be obscured.
19. Councillor Adrian Abbs voiced his concerns. The agent stated that it was the intention to maximise the space available, but Councillor Abbs felt that four dwellings at this site was overdevelopment.
20. Councillor Abbs proposed to refuse planning permission, contrary to the officer recommendation, due to the lack of amenity space, it was contrary to policy, and the line of sight between the proposal and neighbouring properties, and use of obscured glazing to overcome this, was of concern. This was seconded by Councillor Paul Dick with refusal reasons added of overdevelopment and being an unacceptable design in a conservation area.
21. Councillor Antony Amirtharaj felt the proposal contravened the Chieveley Village Design Statement. Debra Inston commented that while officers felt the proposal was in accordance with the Village Design Statement, Members could reach a different conclusion. Councillor Abbs stated that the points made by the Parish Council showed that the proposal was contrary to the Village Design Statement.
22. Councillor Abbs and Councillor Dick, as proposer and seconder, agreed to add, as a reason for refusal, the proposal being contrary to the Chieveley Village Design Statement.
23. Debra Inston, Development Control Team Leader, clarified the reasons for refusal:
  - Overdevelopment of the site, causing harm to the character of the conservation area. The proposal was contrary to policies CS14 and CS19 of the West Berkshire Council Core Strategy, and was not in keeping with the Chieveley Village Design Statement.
  - Sub-standard amenity space was proposed which would impact negatively on future occupants of the dwellings.

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- Harm to the amenity of the neighbouring flats due to the distance proposed between the flats and the proposed properties.
24. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Dick to refuse. At the vote the motion was carried.

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

1. The application site is situated within the Chieveley Conservation Area, which forms the historic centre of the village of Chieveley. The proposed dense arrangement of four dwellings, with such limited outdoor amenity space would appear wholly discordant and cramped in comparison to the pattern and character of development in the surrounding area. The proposed development would result in an overdevelopment of the site, by virtue of its mass, scale and inappropriate design, resulting in a detrimental impact that fails to preserve or enhance the character and appearance of the Chieveley Conservation Area. This is contrary to the NPPF, Policies CS14, CS19 of the West Berkshire Core Strategy (2006-2026) and the Chieveley Village Design Statement (2002).
2. The proposed development fails to provide a sufficient amount of private amenity space to serve the future occupiers of the proposed development, resulting in inadequate living conditions, and so is contrary to Policy CS14 of the West Berkshire Core Strategy (2006-2026) and The Quality Design Supplementary Planning Document Part 2: Residential Development (2006).
3. Plots 1 and 2 are situated 10-12 metres away from the flats to the east of the application site, the first floor windows of the proposed dwellings will result in unacceptable levels of actual and perceived loss of privacy to the occupiers of those flats, which will be harmful to their living conditions. This will be contrary to Policy CS14 of the West Berkshire Core Strategy (2006-2026) and The Quality Design Supplementary Planning Document Part 2: Residential Development (2006).

### **(3) Application No. and Parish: 23/02714/HOUSE - 10 Speen Lane, Newbury**

#### **Continuation of meeting**

25. In accordance with the Council's Constitution, Part 3, point 10.8, the Committee supported the Chairman's motion that the remaining business could be concluded by 10.30pm, and therefore proceeded with Agenda Item 4(3).
26. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 23/02714/HOUSE in respect of a proposed two storey side extension and single storey rear extension with associated alterations.
27. Mr Lewis Richards, Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
28. The Chairman asked Mr Paul Goddard, Highways Development Control Team Leader, if he had any observations relating to the application. Mr Goddard reported that as the access would be unchanged and the existing parking area retained, there were no objections on highways grounds.

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### Ward Member Representation

29. Councillor Antony Amirtharaj addressed the Committee. The full representation can be viewed on the meeting recording: <https://youtu.be/OsOxHdwIxBU?t=11985>

### Member Questions to the Ward Member

30. Members asked questions of clarification and received the following responses:

- Other dwellings in Speen Lane did have garages, but there was concern that the proposed positioning of the garage for this application would cause overlooking of neighbours.
- The site had been in its present condition for eight months and Councillor Amirtharaj was concerned that the property would not be used for its proposed purpose and that the wall/hedging on the property would not be restored.

### Member Questions to Officers

31. Members asked questions of clarification and received the following responses:

- Officers would not ordinarily condition space for cycle stores for a householder extension.
- There was no longer a garage being proposed as part of the application.
- It was the opinion of officers that imposing a condition preventing the property being converted into a HMO would be unreasonable and would contravene the six tests outlined in the National Planning Policy Framework.
- Legislation had been changed to differentiate between permissions required for different classes of HMO.
- The flat roof on the property was 4m deep and 3m high so would be categorised as a permitted development and therefore did not require planning permission.
- The previous application, which was withdrawn, sought permitted development rights for more than six people. Officers advised that the property could become a six person HMO without these rights.
- There were no parking standards for HMOs, however past appeal decisions had permitted 0.5 spaces per bedroom. The proposed parking allocation was unchanged.

### Debate

32. Councillor Hooker opened the debate by advising that he could not see any reason for the proposal to be rejected and proposed that the Development Manager be authorised to grant planning permission subject to the conditions listed in the main report and update report.
33. Councillor Anthony Amirtharaj seconded the motion but suggested that a restriction on the property being used as an HMO be explored further as there were no other properties in the area that were being occupied in such a way.
34. Councillor Howard Woollaston stated that an HMO would be inappropriate for the area and advised that he would like to see a condition put in place to prevent this.
35. Councillor Paul Dick was minded to follow Officer's advice and not include a condition restricting HMOs.
36. Councillor Tony Vickers added that there could be other HMOs in the area. He did not feel that a condition in this regard would be defensible.
37. Councillor Denise Gaines stated that any house on Speen Lane could be turned into an HMO down the line and it was not fair for this applicant to be singled out.

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- 38. Councillor Amirtharaj advised that the applicant had a history of building HMOs and he was confident there were no HMOs on Speen Lane currently. He suggested that it may be unfair on the community if an HMO was to be placed there and suggested that guidance could be placed to advise against the building of an HMO.
- 39. Councillor Nigel Foot did not believe the Committee could implement this restriction as, if the property was at or below the limit of six, they did not need to apply for planning permission anyway.
- 40. Councillor Clive Hooker 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 Anthony Amirtharaj, having withdrawn his request for a condition that restricted the dwelling becoming an HMO.
- 41. The Chairman invited Members of the Committee to vote on the proposal by Councillor Hooker, seconded by Councillor Amirtharaj, 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 listed in the main report and update report.

*(The meeting commenced at 6.30pm and closed at 10.15pm)*

**CHAIRMAN** .....

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