

Note: These Minutes were amended at 21 August meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 16 JULY 2024

Councillors Present: Phil Barnett (Chairman), Antony Amirtharaj, Paul Dick, Nigel Foot, Tony Vickers, Howard Woollaston, Dennis Benneyworth (Substitute) (In place of Clive Hooker), Carolyne Culver (Substitute) (In place of Adrian Abbs) and Billy Drummond (Substitute) (In place of Denise Gaines)

Also Present: Sharon Armour, Paul Bacchus, Michael Butler, Stephen Chard, Sam Chiverton, Bob Dray, Paul Goddard, Catherine Ireland, Gemma Kirk, Annabel Munro, Simon Till

Apologies for inability to attend the meeting: Councillor Clive Hooker, Councillor Adrian Abbs and Councillor Denise Gaines

PART I

1. Declarations of Interest

Councillor Carolyne Culver declared an interest in Agenda Item 3(2), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillors Nigel Foot, Tony Vickers, Billy Drummond and Phill Barnett declared an interest in Agenda Item 3(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

2. Schedule of Planning Applications

(1) 24/00908/FUL 6 Northcroft Lane, Newbury

1. The Committee considered a report (Agenda Item 3(1)) concerning Planning Application 24/00908/FUL - 6 Northcroft Lane, Newbury - in respect of a proposal to utilise the building as a SEND School.
2. Gemma Kirk 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 listed in the report.
3. The Chairman asked Paul Goddard if he had any observations relating to the application, he noted the following:
 - Highway Officers had assessed this proposal on the basis of the existing uses for the site and considered that the traffic and parking impact from the site was significantly reduced.
4. Due to a misunderstanding on the requirement to register to speak at Committee, Councillor Andy Moore, Town Council Representative, was not registered to speak for this item. Members resolved to suspend Standing Orders in order to allow Councillor

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Moore to speak and to reinstate Standing Orders after he had made his representation and answered Members' questions.

5. In accordance with the Council's Constitution, Andy Moore, Town Council representative, Adrian and Helen Gadd, supporters and Gareth Jones, agent, addressed the Committee on this application.

Town Council Representation

6. Councillor Moore addressed the Committee – his representation can be viewed here: [Special Western Area Planning Committee - Tuesday 16h July 2024](#) (22:05)

Member Questions to the Town Council

7. Members asked a question of clarification and were given the following response:
 - They were attempting to encourage extra measures to ensure that the double yellow lines were enforced.

(Standing Orders were reinstated.)

Supporter Representations

8. Despite joining the meeting remotely, Mr and Mrs Gadd were unable to deliver their representation due to technical issues.

Member Questions to the supporters

9. Members were unable to ask questions of clarification of the supporters.

Applicant/Agent Representation

10. Mr Jones addressed the Committee – his representation can be viewed here: [Special Western Area Planning Committee - Tuesday 16h July 2024](#) (29:00)

Member Questions to the Applicant/Agent

11. Members asked a number of questions of clarification and were given the following responses:
 - The allocated parking was for pick up and drop off by the school minibus.
 - The Flood Risk Assessment detailed several mitigation measures that were to be put in place, the flood evacuation plan also produced further measures to ensure safety.
 - The number of students proposed was 15 and the application was limited to such by the conditions.
 - The applicant's consultants utilised the flood data that was available to them.
 - They were completely content that all parking was exclusively for pick up and drop off.

Member Questions to Officers

12. Members asked questions of clarification and were given the following responses:
 - Paul Goddard advised the nursery use of the site was an existing one which could resume at any given time. The previous use as a nursery would have had four times the number of parents collecting and leaving their children than the proposed usage.
 - Paul Goddard noted that ten of the children would be brought to and from the school by minibus which would park on the road to the side of the building for two short periods during the day. The other five children that were to be picked up and dropped off by their parents were able to park across the road in a small, existing, car park.
 - Paul Goddard suggested that concerned residents would be best advised to contact the Council's parking team.
 - Paul Goddard clarified they were content with proposal because of the previous use.

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- Simon Till shared that under the Town and Country Planning Act 1990 the previous use of the site had become established as it had been operating in an unauthorised fashion for ten or more years
- Paul Goddard advised that it would not be possible to place a condition on signage being put up as the entrance to Bolton Place was outside of the planning application site.
- Paul Bacchus advised that everything mentioned in the flood risk assessment, if taken as the truth, was deemed as acceptable.
- It was advised by Paul Bacchus that the evidence of recent flooding was not considered by either the applicants' representatives or the reviewer who was not local and relied on Environment Agency (EA) information which had not yet been updated as a result of the fact that reporting on the recent flooding had not yet been carried out.
- Paul Bacchus advised that the adequacy of the flood evacuation plans could not be accurately assessed until the raw data that related to recent flooding had been provided. He suggested the flood zone modelling was not likely to be completely accurate however, the change of use would not increase the vulnerability of the site as both the existing and proposed usage were in the more vulnerable categorisation.
- Paul Bacchus advised that there was not an awareness of whether there had been an increase in flood depths outside the property and it would be unreasonable to expect the applicant to produce such information. However, he did not foresee a considerable difference in comparison to the flood evacuation plan.
- Paul Bacchus does not consider they could have done anything more than that produced, and that it was unlikely any updated flooding information would change the view on the flooding matters.
- Paul Bacchus did not consider they could have taken any further measures, and felt it was unlikely any updated flooding information would have led to a change in the acceptability of the site from a flooding perspective.
- Paul Bacchus noted that the EA were to be involved in reviewing the section 19 reports and would advise them to update their information as soon as was possible but was unsure when this would be completed. He noted that section 19 reports could be used for future FRAs and drainage strategies.

Debate

13. Councillor Nigel Foot advised that he believed the flood zone map included was accurate and the route presented in the plan would be safe as there had been no history of flooding on it.
14. Councillor Howard Woollaston expressed support noting that increased SEND provisions were desperately needed.
15. Councillor Tony Vickers reiterated the need to be vigilant on unauthorised changes of use before they become regularised, but expressed support for the application and the contribution it would provide to addressing the requirement for increased SEND provision.
16. Councillor Billy Drummond highlighted the need to increase SEND provision and expressed his support for the motion.
17. Councillor Dennis Benneyworth expressed support for the Motion but advised that he would like to see parking enforcement observed rigorously to ensure residents were not inconvenienced.

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18. Councillor Carolyne Culver supported the application noting there would be less children there now than previously. She expressed concern over the failure to notice omissions in the FRA and the evacuation plan. Councillor Culver proposed an amendment to the travel plan to state that the existing parking area should **only** be used for pick up and drop off.
19. Councillor Barnett proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with the verbal amendment to add cycle stores within three months and include the word 'only' in the appropriate place within the travel plan. This was seconded by Councillor Vickers.
20. The Chairman invited Members of the Committee to vote on the proposal by Councillor Barnett, seconded by Councillor Vickers, 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 the update report with the amendment to add cycle stores within three months and include the word 'only' in the appropriate place within the travel plan condition.

(2) 24/00571/FUL Mallards Haven, Frilsham

21. The Committee considered a report (Agenda Item 3(2)) concerning Planning Application 24/00571/FUL - Mallards Haven, Frilsham – in respect of a retrospective application for the partial retention of the former bungalow for use as an outbuilding, in association with dwelling approved under Application No. 18/00409/FULD. External alterations and hard landscaping.
22. Catherine Ireland 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 listed in the report.
23. In accordance with the Council's Constitution, Christine Dunn, objector, Mark Pettitt and Oonagh Clark, applicant/agent, addressed the Committee on this application.

Objector Representation

24. Christine Dunn addressed the Committee – her representation can be viewed here: [Special Western Area Planning Committee - Tuesday 16h July 2024](#) (1:16:09)

Member Questions to the Objector

25. Members did not have any questions of clarification.

Applicant/Agent Representation

26. Mark Pettitt and Oonagh Clark addressed the Committee – their representation can be viewed here: [Special Western Area Planning Committee - Tuesday 16h July 2024](#) (1:21:14)

Member Questions to the Applicant/Agent

27. Members asked questions of clarification and were given the following response:
 - The toilet contained within the property was in the preexisting building and there was no concern with regards to foul waste.

Ward Member Representation

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28. Councillor Carolyn Culver addressed the Committee – her representation can be viewed here:

[Special Western Area Planning Committee - Tuesday 16h July 2024 \(1:27:11\)](#)

Member Questions to the Ward Member

29. Members did not have any questions of clarification.

Member Questions to Officers

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

- Catherine Ireland advised that a condition on landscaping that required the replacement of any planting that was lost or died within five years could be incorporated however, doing so in perpetuity could have been deemed unreasonable.
- Simon Till suggested that a condition which required the applicant to submit a landscaping proposal within three months of the date of approval could be considered reasonable. He reminded Members that they had recently discussed requiring retention of landscaping with replacement within ten years of the date of approval.
- Simon Till highlighted condition 5 noting that there was a requirement within that condition relating to timed operation of lighting.

Debate

31. Councillor Paul Dick opened the debate by expressing his concern with regards to conditions on applications not being enforced, but advised he was supportive of the application based on its merits.

32. Councillor Tony Vickers noted that the national landscape was the result of the carefully managed development of the area over a period of hundreds of years, he advised that he could not see any harm in the property as was proposed.

33. Councillor Vickers 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 who proposed an additional condition requiring the provision of a scheme of landscaping and vegetation be submitted within three months of the date of the decision with replacement as appropriate for a period of ten years.

34. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Woolaston 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 listed in the main report with an additional condition requiring provision of a scheme of landscaping and vegetation be submitted within three months of the date of the decision with replacement as appropriate for a period of ten years.

(3) 24/00767/HOUSE The Old Rickyard, Inkpen

35. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 24/00767/HOUSE - The Old Rickyard, Inkpen – in respect of the formation of a swimming pool.

36. Michael Butler 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 listed in the report. Simon Till clarified that the recommendation was to delegate officers to approve, as per officers'

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recommendation, as varied by the update sheet and subject to the outcome of discussions to secure an acceptable scheme of drainage with any necessary conditions. Or to refuse the application if a scheme of drainage had not been agreed within 3 months or such other timescale as agreed in writing by the Development Manager in consultation with the Chairman of the committee.

37. In accordance with the Council's Constitution, Mark Pettitt, agent, addressed the Committee on this application.

Agent Representation

38. Mr Pettitt addressed the Committee – his representation can be viewed here:

[Special Western Area Planning Committee - Tuesday 16h July 2024](#) (1:52:15)

Member Questions to the Agent

39. Members asked questions of clarification and were give the following responses:

- A fresh application would be submitted at a later stage for a pool building to be built to store the equipment.
- A scheme relating to external lighting would, in principle, be acceptable to the applicant.
- An error was made in submitting the application as floor plans and elevations for the pool building were not submitted as part of the original application.

Ward Member Representation

40. Councillor Vickers addressed the Committee – his representation can be viewed here:

[Special Western Area Planning Committee - Tuesday 16h July 2024](#) (2:08:36)

Member Questions to the Ward Member

41. Members did not have any questions of clarification.

Member Questions to Officers

42. Members asked questions of clarification and were give the following responses:

- Simon Till advised that the period to submit additional information had expired by the time the lack of documentation relating to the pool building had become apparent to Officers. Because of this, the applicant was advised to withdraw this portion of the application and reapply for permission to construct the pool building in a separate application at a later date.
- Simon Till advised that conditioning an application that would be approved today on the outcome of a future application would, in his view, be considered unreasonable.
- Michael Butler advised that an additional condition relating to external lighting would be totally legitimate due to the sensitivity of the area.

Debate

43. Councillor Tony Vickers opened the debate by expressing his desire to have an additional condition in relation to restricted use of external lighting.

44. Councillor Paul Dick further supported the motion.

45. Councillor Carlyne Culver advised there were three other pools in the area and therefore the precedent had been set previously allowing for such building works.

46. 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 requiring the submission and approval of a scheme for all external lighting for the pool area prior to the pool being taken into use

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with no other external lighting to be erected except in accordance with the scheme. This was seconded by Councillor Antony Amirtharaj.

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

RESOLVED that The Development Manager grant planning permission subject to the conditions listed in the main report and update report with an additional condition requiring the submission and approval of a scheme for all external lighting for the pool area prior to the pool being taken into use with no other external lighting to be erected except in accordance with the scheme.

(The meeting commenced at 9.00 am and closed at 11.50 am)

CHAIRMAN

Date of Signature