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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 23 OCTOBER 2024

Councillors Present: Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Paul Dick, Howard Woollaston and Billy Drummond (Substitute) (In place of Nigel Foot)

Also Present: Sharon Armour (Legal Services Manager), Paul Bacchus (Principal Engineer (Drainage and Flood Risk)), Michael Butler (Principal Planning Officer), Sian Cutts (Senior Planning Officer), Paul Goddard (Highways Development Control Team Leader) and Debra Inston (Team Manager),

Apologies for inability to attend the meeting: Councillor Nigel Foot, Councillor Denise Gaines and Councillor Tony Vickers

PART I

2. Minutes

The Minutes of the meeting held on 24 July 2024 were approved as a true and correct record and signed by the Chairman.

3. Declarations of Interest

Councillor Adrian Abbs declared a personal interest in Agenda Item 4(2) by virtue of the fact that both he and the applicant volunteered at Kennet Radio. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Paul Dick declared that he had been lobbied on Agenda Item 4(1).

4. Schedule of Planning Applications

(1) 1. 23-00815-FUL land South of Sandhill, Hermitage

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/00815/FUL Hermitage in respect of: Part retrospective. Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch.
2. Mr 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 outlined in the main and update reports.
3. The Chairman asked Mr Paul Goddard if he had any observations relating to the application. He highlighted matters regarding access and potential traffic movements.

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- The current access was unauthorised, and a condition was proposed requiring details to be submitted. Highways Officers were satisfied that there was adequate width for the expected vehicles to manoeuvre in and out of the site.
 - The applicants had commissioned speed surveys which had been used to calculate the required sight lines for the access. While the required sightlines were not achieved at this stage, they were achievable because they were within land that was controlled either by the Local Authority or by the applicant. A condition was proposed to ensure the provision of the sightlines.
 - There was a provision of a 1.5 metre wide footway coming from the site and connecting to existing footways to the south. This would be secured by condition, as well as provided by appropriate legal agreements.
 - Highways Officers noted that caravans would stay for long periods, and they considered caravan movements to be infrequent. Expected traffic movements would be three vehicles in and out per pitch per day, equating to 15 additional vehicle movements, and should not cause any traffic issues.
 - Highways Officers had no objection to the proposal.
4. In accordance with the Council's Constitution, Ms Ruth Cottingham, Parish Council representative, Mr Martin Powers, Objector, and Councillor Heather Codling, Ward Member, addressed the Committee on this application.

Parish/Town Council Representation

5. Ms Cottingham addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 23 October 2024](#)

Member Questions to the Parish/Town Council

6. Members asked questions of clarification and were given the following responses:
- It was confirmed that dialogue had taken place with the applicants - 18 months ago, the Parish Council had hired the local school hall, and many local residents, the owner of the site, and residents of the site were in attendance.
 - It was believed that another Councillor had been in contact with the residents of the site.

Objector Representation

7. The Committee suspended standing orders to allow Mr Martin Powers to address the Committee, as he had missed the 16:00 deadline to register to speak.
8. Mr Powers addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 23 October 2024](#)

Member Questions to the Objector

9. Members did not have any questions of clarification.
10. The Committee voted to return to standing orders.

Ward Member Representation

11. Councillor Codling addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 23 October 2024](#)

Member Questions to the Ward Member

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

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- The Ward Member had not been on the site, but she had walked along the side of the road, she had spoken to local residents who had approached her with complaints, and she had attended the meeting at the local school.
- Regarding the amount of latitude given to the application, she noted the amount of time it had taken for the application to reach the Western Area Planning Committee.
- She noted that in other applications, if requests for reports were not brought forward, they would have been refused because the applicant had not provided sufficient information.

Member Questions to Officers

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

- There was an existing footpath in front of Tall Cove, which was the dwelling immediately to the south, but there was no footway for 10–15m to the access point. If the application was approved, through a Section 278 agreement with the Highway Authority, and at the cost of the applicant, a new 1.5m footway would be constructed linking into the current footpath.
- Regarding the footpath to the east of the site, it was explained that the land would be outside of the red line and outside of the control of the applicant. It would involve third party land, and the applicant would need an agreement with the Parish Council. There would also be potential harm to the TPO trees. There were considerable gradient differences, therefore the construction and access would be difficult and costly. While it would be possible to use that access, Officers regarded access via the highway to be a more logical and straightforward approach.
- It was confirmed that the process and administration of a planning application had no bearing on the Committee's determination of the land use planning merits of the application. Due to workload allocations, there had been a change of case officer, and the change had caused procedural delays. The applicant's agent had been slow in providing necessary information and it could have been refused at an earlier stage, however, the applicant was agreeable to extensions of time. There was a recognised shortfall of Gypsy and Traveler pitches across the district and there was an onus on case officers to see if the shortfall of pitches could be addressed.
- It was confirmed that the shortfall of Gypsy and Traveler pitches for the next five years was one, and the shortfall to 2038 was 18.
- Paragraph 7.36 of the report stated that the application site had a visual impact on the NDL and the Committee would need to take it into account in balancing their decision.
- Officers accepted that the impact of the site was not neutral, and that there would be visual harm. However, Officers had taken a balanced view, and given the weight attached to the need for additional Gypsy and Traveler pitches and the relatively sustainable location with a range of local facilities in Hermitage, Officers were recommending approval.
- The Government was keen that public confidence in the planning system was not undermined by unauthorised developments and retrospective applications. This was a material fact that the Committee could consider, but it did not change the recommendation to approve the application.

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- It was explained that Gypsy and Traveler accommodation had specific permissive policies for development in the countryside. If the application had been for a normal market housing scheme, Officers would have automatically rejected the application unless it had been a brownfield site, or an allocated site, or a rural exemption site for 100% affordable housing.
- It was confirmed that an injunction had been placed on the site in early 2023. If planning permission was granted, the injunction would be removed. If the planning permission was refused and no appeal was made by the applicants, it would be likely that enforcement action would be taken. However, no enforcement action would be taken if an appeal was made, since the appeal may permit the development.
- Clarification was provided that Four Houses Corner had already been taken into account in calculating the shortfall of pitches, because it had an extant permission. The application was for operational development on an existing site, which created one additional pitch.
- Officers highlighted Table 7.3, which stated that a net increase of 18 pitches was needed by 2038. If planning permission was granted for this application, it would reduce the requirement to 13 pitches.
- It was explained that drainage had been partially addressed with the suggested use of permeable paving. Previous ground investigation tests had flaws, and the calculation were not correct. Officers had requested further testing information and verification of results of tests carried out previously.
- Members noted that the foul water was dealt with by a cess pit. There was a plan to connect all of the plots to a drainage system discharging into the cess pit. While this was the least desirable solution for a foul water system, the applicant had followed the correct processes in the building regulations to determine that it was the only way in which they could dispose of foul effluent from the site.
- It was confirmed that there was no provision in the local plan for additional Gypsy and Traveler sites. As a precursor to the Local Plan Review, there had been a call for additional pitches, and one had been promoted. The Council as the planning authority could have allocated designated sites across the district, but this wasn't done. Officers were required to take account of the shortfall when assessing applications.
- It was explained that because the public Thames Water foul sewage system was beyond 30 metres from the site, there was no requirement for the applicant to connect to it. The applicants were unable to use a septic tank drainage flowing into a drainage field because of the extensive use of permeable paving throughout the site.
- Members were told that the application was for the change of use of the land and not for operational development, so the block plan was indicative only. The pitches shown would allow the use of the land for the stationing of one day room, one touring caravan, and one mobile home. The units could move around as necessary with parking throughout the lifetime of the permission within the plot. The siting of a mobile home was the use of the land, it was not operational development.
- It was noted that if Members had concerns about the proximity to the eastern boundary, then the buffer could be increased to 10m.

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- It was confirmed that a stopping sight distance of 100m would be required, starting from a point 2.4m back from the edge of the carriageway at the site access.
- It was stated that from the point that the injunction was served, anything already on site could remain. If additional caravans were brought on site after the injunction was served, that would be in breach of the injunction. Monitoring of the site was a Planning function.
- Members were reminded that they needed to consider the planning application rather than the unauthorised development that had taken place on the site. However, it was acknowledged that the unauthorised development was a material consideration that Members could take it into account.
- It was confirmed that the owner of the land could have brought the land forward for consideration during the Local Plan.
- Members were advised that the proposed sightlines were based on the actual speed of vehicles along the road of 38 mph, rather than the 30 mph speed limit.

Debate

14. Councillor Adrian Abbs opened the debate by noting that there was no way to make sure that the people occupying the site were actually from the Gypsy and Traveler community. He suggested a condition requiring a register to be kept, available to the Parish and District Council, where those occupying the pitches could be asked to provide evidence that they were a member of the Gypsy or Traveler community. However, Officers advised that such a condition would be inappropriate and unenforceable, as the Gypsy and Traveler community were self-determining, and there would be no way that the planning authority could determine that someone was a member of the that community. Also, if permission was granted, it was not a personal permission, but a change of use of the land. It was felt that Condition 4 would be sufficient to address Members' concerns.
15. Councillor Abbs noted the special area where the site was located and the significant loss of hedgerows to create the sight line. He also expressed concerns about the safety of the narrow footway. Given the significant harm to the ecology and the relevance of maintaining confidence in the planning system, he indicated that he was minded to support rejection of the Officers recommendations.
16. Councillor Paul Dick indicated that he had received a significant number of complaints about the application, but the complainants were unwilling to attend the meeting for due to concerns about reprisals. He noted that numerous requests for information had not been forthcoming from the applicant and highlighted the potential for public confidence in the planning system to be undermined. He acknowledged that there was a shortfall in Gypsy and Traveler pitches, but it was a shortfall of one, and the Council had five years to address it. He noted that the Landscape and Visual Impact Assessment had been rubbished by Council own expert. He highlighted that the original arrival of residents on the site was under the cover of darkness, and noted the high court injunction, as well as the lack of engagement by the applicant. He also expressed concerns about the onerous conditions.
17. Councillor Antony Amirtharaj agreed with Councillors Abbs and Dick and noted the flawed drainage plan and the unauthorised development. He indicated that another residential application on this site would be refused because it was on a greenfield site. He noted that if the application was refused and appealed, there would be no changes on the site and residents' concerns would not be addressed. However, he

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felt that there were other, non-technical aspects that the Committee should consider, including those set out in the Part II papers.

RESOLVED that: members of the press and public be excluded from the meeting on the grounds that discussions would involve the likely disclosure of exempt information as contained in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 10 of Part 10 of the Constitution refers.

Upon conclusion of discussions under Part II, the Committee reconvened under Part I.

18. Councillor Clive Hooker noted that the site had not been kept in good order. At the site visit, Members had found that there were seven vans instead of five, the water supply for one plot was via a broken hosepipe, there was a dangerous power supply, sewage tanks were unsealed, and there were skips full of rubbish. One caravan was parked very close to the boundary with no consideration for the neighbouring property. He noted that it was a retrospective application that was in the National Landscape, and that it would have a visual impact. He noted that it was being recommended for approval on the basis of having a shortfall of one Gypsy and Traveler pitch in the district, but he did not think it would be right for the Committee to approve the application, particularly given the number of objections.
19. Councillor Phil Barnett agreed with Councillor Hooker's observations from the site visit.
20. Councillor Howard Woollaston also agreed with Councillor Hooker and suggested that the issue revolved around the need for additional Gypsy and Traveler pitches. He questioned the need to consent to five additional pitches in the National Landscape when there was only a shortfall of one across the district. He noted the opposition from the Parish Council and local residents and proposed that the Committee vote to reject Officers' recommendations and refuse planning permission.
21. Officers clarified the reasons for refusal with Members.
22. Councillor Woollaston proposed to reject Officer's recommendation and refuse planning permission. This was seconded by Councillor Dick.
23. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Dick to refuse planning permission. At the vote the motion was carried.

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

Reasons

- Visual impact on the National Designated Landscape
- Concerns about drainage within the site
- Concerns about site access

(2) 2. 24-00582-FUL The White Hart inn, Hampstead Marshall

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 24-00582-FUL The White Hart inn, Hampstead Marshall in respect of change of use of the Public House to residential use, together with external alterations, landscaping, car parking and any other associated works and infrastructure, White Hart Inn, Hamstead Marshall, Newbury, RG20 0HW.

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2. Ms Sian Cutts introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission, subject to the conditions outlined in the main and update reports.
3. Highways Officers had no further comments.
4. In accordance with the Council's Constitution, Ms Anne Budd, Parish Council representative, Mr Matt Maggs, objector, Mr Chris Moss, supporter, and Ms Stella Coulthurst/Mr Gareth Johns, applicant/agent, addressed the Committee on this application.

Parish/Town Council Representation

5. Ms Budd addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 23 October 2024](#)

Member Questions to the Parish/Town Council

6. Members asked questions of clarification and were given the following responses:
 - The first Asset of Community Value (ACV) nomination had been accepted. When the time was running out on the ACV, another Parish Councillor had submitted a nomination, however it was rejected on the grounds that there was no justification that an ACV would be appropriate.
 - Ms Budd stated that to her knowledge, no brewing had taken place on the site.

Objector Representation

7. Mr Maggs addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 23 October 2024](#)

Member Questions to the Objector

8. Members asked questions of clarification and were given the following responses:
 - Mr Maggs was concerned about being able to see through the obscured windows and the impact this might have on the value of his property. He noted that the previous application from 2017 did not have a skylight.

Supporter Representation

9. Mr Moss addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee 23 October 2024](#)

Member Questions to the Supporter

10. Members did not have any questions of clarification.

Applicant/Agent Representation

11. Ms Coulthurst and Mr Jones addressed the Committee. The full representation can be viewed here:

[Western Area Planning Committee 23 October 2024](#)

Member Questions to the Applicant/Agent

12. Members asked questions of clarification and were given the following responses:
 - It was confirmed that there had been no interest in running the property as a pub while it had been on the market for six months.

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- It was acknowledged that some potential buyers thought they could see an inexpensive development opportunity and were interested in that capacity. Two restaurant groups had considered the property, but they did not want to pursue it because of the location challenges.
- It was confirmed that although a brewery had been installed, no beer had been brewed at the pub since the month before the pub closed.

Member Questions to Officers

13. Members asked questions of clarification and were given the following responses:
- Officers stated sufficient parking could be provided for the residential development. Overall, there was a need for 8.5 spaces, and nine were proposed. The proposal complied with Policy P1 and car parking standards.
 - It was confirmed that permitted development rights would be limited. No condition was proposed restricting extensions and alterations to the buildings, other than to restrict the rights for any additional window openings along the north elevation of H4. The proposed skylight would be 1.7 metres above the internal floor level. As such, even with an opening window, there would be no overlooking impact. The room had originally been proposed as a bedroom, so building regulations would have required an opening window. However, internal alterations could be made to have the room as a bathroom, so only mechanical ventilation would be required, and the offer had been made for a condition requiring it be a shut window.
 - Officers stated there would be five skylights on the front of elevation H4.
 - It was confirmed that the proposed development was in keeping with parking standards, with one visitor space per five units.

Debate

14. Councillor Antony Amirtharaj opened the debate by proposing to approve the development. He highlighted the lack of support for pubs in the community which meant that the business was not viable, and highlighted the lack of technical reasons for refusal.
15. Councillor Clive Hooker agreed with Councillor Amirtharaj. He recalled when the Committee had previously considered an application for the site, and the reasons for refusal at that meeting had been the same as those subsequently given by the Planning Inspector at appeal. Many local residents had turned up to the meeting to make the case for saving the pub, however that support had not been enough.
16. Councillor Billy Drummond indicated that he supported the application.
17. Councillor Adrian Abbs supported the inclusion of a condition to heavily obscure the view from the skylight. However, officers indicated that this would be unreasonable, since obscured glazing should prevent visibility. Officers were not aware of any technical standards that could be imposed.
18. Councillor Howard Woollaston supported a condition to required obscure glazing to prevent any overlooking of the adjoining property. Officers confirmed they would ensure that the condition was such that the obscure glazing was sufficient to prevent any overlooking of any neighbouring properties.
19. Councillor Amirtharaj proposed to accept Officers' recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Hooker.

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

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions in the main report and update reports subject to the following amendments:

Conditions

18. Obscure glazing of windows

The roof light window at first floor level in the north elevation of dwelling H4 shall be fitted with level 4 or 5 obscure glass and shall be non-opening. The obscure glazing shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (2006) and House Extensions SPG (July 2004).

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

CHAIRMAN

Date of Signature