

# DRAFT

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, 2 OCTOBER 2013

**Councillors Present:** David Allen, Howard Bairstow (Substitute) (In place of Anthony Stansfeld), Jeff Beck, Paul Bryant (Chairman), George Chandler, Hilary Cole, Paul Hower, Roger Hunneman, Garth Simpson and Ieuan Tuck

**Also Present:** Emmanuel Alozie (Solicitor), Derek Carnegie and Elaine Walker (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Anthony Stansfeld, Councillor Julian Swift-Hook and Councillor Virginia von Celsing

#### PART I

#### 25. Minutes

Councillor Allen stated that comments he had made at the previous meeting had not been included in the minutes. The Chairman advised him that the minutes were not a verbatim record of the meeting, however Councillor Allen requested that the minutes be amended to reflect his contribution to the meeting. The Chairman agreed to defer approval of the minutes until the following meeting to allow Councillor Allen's request to be considered.

Notwithstanding this request, the following amendments were agreed:

Page 2, para 5: amend 'indifferent' to 'similar';

Page 4, para 3: amend '25 metres' to '25 square metres'.

#### 26. Declarations of Interest

Councillors David Allen, Jeff Beck and Howard Bairstow declared an interest in Agenda Item 4(2), but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest they determined to remain to take part in the debate and vote on the matter.

Councillor Bairstow advised that he had also been lobbied on Agenda Item 4(2) by a neighbouring resident.

#### 27. Schedule of Planning Applications

##### 27(1) Application No. and Parish:13/01676/FUL - Warren Farm, Sheepdrove, Lambourn

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/01676/FUL - Warren Farm, Sheepdrove, Lambourn in respect of the erection of one 5kW Evance R9000 turbine on a 15m tower.

In accordance with the Council's Constitution, Ms Corney, Parish Council representative, John Francome (The Friends of the Lambourn Downs), objector, Matthew Hooks, Supporter, and Luke Jeffreys, agent, addressed the Committee on this application.

Ms Corney in addressing the Committee raised the following points:

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- The ethos of the Parish Council was to encourage sustainable, eco-friendly projects that would improve the area for future generations;
- In comparison to previous applications, Ms Corney believed that this proposal would have no great impact on the landscape;
- The Parish Council supported the application.

Councillor Roger Hunneman asked whether the Parish Council would welcome further, similar applications in the area. Ms Corney replied that all applications would be considered on individual merit and that as long as the proposal would not caused detriment to the area, they would be well received.

Councillor Hilary Cole remarked that although in favour of eco-energy schemes, she did not feel that wind turbines were an efficient source of energy and asked how Ms Corney could support this scheme. Ms Corney responded that the technology used for wind turbines was still in development and that over time it would improve and become more efficient, but this could not happen without investment and support now.

Mr Francome in addressing the Committee raised the following points:

- The proposed site of the turbine was in keeping with an Area of Outstanding Natural Beauty (AONB);
- Mr Francome did not oppose wind turbines, but questioned whether, in the future, the siting of this turbine would be considered a mistake;
- Mr Francome acknowledged that he lived in the only surrounding property that overlooked the proposed site.

The Chairman asked if Mr Francome's views represented those of other members of the Friends of the Lambourn Downs. Mr Francome confirmed that his views were shared.

Mr Hooks in addressing the Committee raised the following points:

- Mr Hooks informed the Committee that he rented a property on Sheep Drove Farm, but stressed that as this was a business transaction with the owners he had no vested interest in supporting the application;
- Central Government were promoting the use of green energy, and this site provided an ideal location for the siting of a wind turbine;
- The location was not significantly overlooked by property or footpaths;
- The noise impact of the turbine had been assessed as minimal;
- The land proposed to site the turbine had been shaped by man over thousands of years, and this proposal would be a continuation of the shaping of the landscape;
- Mr Hooks had no desire to see the landscape destroyed, and the use of green energy would help to protect it by reducing the need for fossil fuels.

The Chairman asked how many wind turbines would be acceptable to Mr Hooks. Mr Hooks responded that all applications would be considered on a case by case basis, and the Council would decide how many could be sustained. Mr Hooks did not consider that the proposed site would have a high impact visually, and noted that there were other vertical structures in the vicinity. Mr Hooks explained that he no longer noticed the current wind turbine due to the build materials used, and expected that the proposed turbine would be similar. Mr Hooks commented that the location would not be suitable for a wind farm, but for small scale energy production and usage, he considered it appropriate.

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Councillor Bairstow commented that as fuel prices rose, it would be inevitable that more wind turbines would appear. Mr Hooks agreed that it was likely that this would occur. The public did not wish to see some forms of energy used – such as nuclear energy – but as there was also no desire to reduce energy usage, other methods of energy production would increasingly need to be employed.

Mr Jeffreys in addressing the Committee raised the following points:

- Sheepdrove Farm requested that the second wind turbine be small in size;
- There was limited scope to locate further turbines due to the need to be close to a meter. Mr Jeffreys believed this to be the only possible location for a turbine in the vicinity;
- Sheepdrove Farm were motivated to put this application forward in order to reduce their impact on the environment;
- The structure would be temporary and would be removed after 25 years.

Councillor Cole asked whether the structure would be replaced by something else after the 25 year period. Mr Jeffreys responded that he could not foresee what might be decided at that time.

Councillor Cole requested confirmation that the proposed turbine would be similar to the one already in place, and asked how much energy the current turbine produced. Mr Jeffreys replied that it produced approximately 10,000 kWh per year which was sufficient to power three houses. However the power supply could vary on a daily basis dependent on the weather conditions. Councillor Cole stated her understanding that turbines were inefficient, and required more energy to produce than they produced themselves, and questioned whether they were the best source of energy. Mr Jefferys responded that he was unaware of the energy required to produce a turbine, but that they required no energy to start up, and were on track to produce 11,000 kWh per year.

Councillor Garth Simpson asked about the nature of the power produced. Mr Jeffreys replied that the energy was converted to AC power, and was to be used to power a grain dryer on the farm. Surplus power would be provided to the National Grid. Councillor Simpson commented that the seasonal nature of grain drying would imply that the majority of the power would be given to the National Grid.

Councillor Hunneman asked why the application was not for a bigger and more efficient turbine which would provide a better use of capital but would not have a significantly greater impact on the AONB. Mr Jeffreys responded that he did not feel there was a great impact on the AONB but acknowledged that others did.

Councillor Hunneman further asked why the turbine had been moved away from the farm buildings. Mr Jeffreys replied that the Ecology Officer had been concerned that siting the turbine close to the farm buildings would have a negative impact on the habitat of bats. The Chairman clarified that the previous application had been refused due to the turbine being of a greater size and would therefore have had a greater impact on the AONB.

Councillor George Chandler asked whether Mr Jeffreys had supplied the existing turbine and whether the new turbine was able to benefit from improved efficiency. Mr Jeffreys confirmed that his company had provided the first turbine, and that there had been little change to the design of turbines to improve their efficiency although they were now slightly more efficient at lower wind speeds. Mr Jeffreys advised the Committee that all turbines were independently accredited to provide assurance that the stated power supply level could be met.

Councillor Allen asked from how far away the turbine could be heard. Mr Jefferys replied that a person would need to be within approximately 60 metres of the turbine to hear it.

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Derek Carnegie advised that members of the Committee who had attended the site visit would have been approximately 100 metres away from the existing turbine.

Councillor Ieuan Tuck noted the earlier mention of bats and asked whether there were bats in the area. Mr Jeffreys confirmed that there were, and advised the Committee that bats tended to remain close to hedge lines which was why there had been a requirement to place the proposed turbine 50 metres away from the hedges.

Councillor Paul Hewer asked how many solar panels would be required to produce the equivalent amount of energy. Mr Jeffreys believed that approximately 60 solar panels would be required, and noted that the footprint of the turbine was one square metre.

The Chairman sought advice as to the weight that Members should attribute to the efficiency of the turbine and the visual impact in the landscape. Derek Carnegie advised that the efficiency of the turbine was not a planning matter, but was for the consideration of the applicant. The Committee should weight their judgement towards the visual impact on the area.

Councillor Beck commented that having visited the site, he could see no significant negative effect on the AONB and proposed that the Committee accept the recommendation made by Officers for planning permission to be approved. Councillor Beck continued by requesting that comments made by the Tree Officer be included as an informative. This was agreed in order to clarify the Tree Officers position and ensure protection for tree roots during the development.

Councillor Hunneman commented that when on site, it had been difficult to see the existing turbine due to its construction, and therefore could see no harm in allowing a second turbine. Councillor Hunneman considered that turbines in this location would only be harmful if they were erected in greater numbers. Councillor Hunneman seconded the proposal.

The Committee noted the inclusion in the conditions of the need to consider the cumulative effect of further applications.

Councillor Cole reiterated that she did not support wind turbines, but acknowledged that the decision was to be made on the basis of visual impact not efficiency. Councillor Cole did not support the erection of a wind turbine in this location citing the impact on the landscape and on migrating birds, and shared concerns that the condition to consider the cumulative impact of further development might not be adhered to in the future. Councillor Cole stated that the position of Central Government was not to use wind turbines as a major source of energy on land. Councillor Cole noted her disappointment that the agent had not been able to supply accurate data in response to questioning. Councillor Cole did not support the application.

Councillor Bairstow asked whether the colour of the turbine should be a consideration, and suggested that a white structure would be more visible to birds, but a green or brown structure would have less visual impact on the environment. Derek Carnegie clarified that this turbine would be the same colour as the existing one which blended with the landscape.

Councillor Simpson expressed his disappointment with the lack of data that was able to be provided during questioning. Councillor Simpson did not support the application stating that the seasonal nature of drying grain meant that an estimated 90% of the power produced would be given to the National Grid.

Councillor Chandler expressed his view that the proposal would provide an insignificant addition to the landscape, noting that the two turbines would not be visible in the same view. Councillor Chandler supported the ethos of green energy.

At the vote the proposal was carried.

## **WESTERN AREA PLANNING COMMITTEE - 2 OCTOBER 2013 - MINUTES**

**RESOLVED** that the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions:

### **Conditions**

#### **1 Full planning permission time limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

#### **2 Materials**

No development shall take place until a schedule of the colours to be used in all aspects of the development and hard surfaced areas hereby permitted have been approved in writing by the Local Planning Authority. Any accompanying samples shall be made available to be viewed at the site or by arrangement with the Planning Officer. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with guidance set out in the National Planning Policy Framework March 2012, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Supplementary Planning Document Quality Design (June 2006).

#### **3 Landscaping**

No development shall take place until a detailed scheme of landscaping around the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) Completion of the approved landscaping scheme within the first planting season following completion of development/first occupation of the dwelling(s)/first use of the development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority.

b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of this development/of the completion of the approved landscaping scheme shall be replaced in the next planting season by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping, and to limit the visual impact of the development. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS12, CS14 and CS19 of

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the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### 4 **Removal if unused**

Should the wind turbine hereby approved be left unused for a continuous period of 12 months, the wind turbine shall be removed from the site and the land shall be returned to its original state in so far as it is reasonable and practicable.

Reason: The wind turbine has been approved with consideration for the benefits of generating renewable energy. Should the turbine not be maintained and utilised and the production of a renewable energy no longer exists, it would result in an unnecessary feature within the landscape.

This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5, CS12, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

## INFORMATIVE

### **Tree protection precautions informative note:**

1. To ensure that any trees to be retained are protected from damage, ensure that all works occur in a direction away from the trees.
2. In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained.
3. Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (out side theRPA – 12x dia of trunk at 1.5m above ground level) and down hill of the trees if on a slope, to avoid contamination of the soil.
4. To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent of the trees to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil.
5. Where Tree Protective Fencing is not achievable Ground Protection in the form of scaffold boards / ply wood sheets should be laid over 7.5cm of wood chip or sharp sand to act a weight bearing surface to prevent compaction of the root and surrounding soil.

### **27(2) Application No. & Parish: 13/01710/HOUSE - 27 Glendale Avenue, Newbury**

*(Councillors Allen, Beck and Bairstow declared a personal interest in Agenda item 4(2) by virtue of the fact that they were members of Newbury Town Council and had been present at the Planning and Highways meeting where the item had been discussed, however they would consider the application afresh. As their interest was personal and not prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 13/01710/HOUSE - 27 Glendale Avenue, Newbury in respect of a first floor extension to the side and rear of a detached property.

In accordance with the Council's Constitution, Marilyn Robson, objector, addressed the Committee on this application.

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Ms Robson, in addressing the Committee raised the following points:

- Ms Robson was a direct neighbour to the applicant;
- This was the third application submitted by the applicant;
- The report stated that there was a mix of property types in the area, however this was not correct at this location where all the properties were detached. This was a desirable feature and was part of the attraction of the area;
- The proposed extension would appear to fill the gap between Ms Robson's house and the applicant's, giving the impression of a row of terraced houses;
- The proposed extension would be overbearing. It would tower over Ms Robson's garden and new windows would overlook her property;
- Ms Robson was concerned about the build process as the applicant had requested access to her garden and requested that scaffolding be attached to her house during the build;
- Ms Robson urged the Committee to refuse this application.

The Chairman advised Ms Robson that she was within her rights to refuse access to her property, but that any issues arising from this would be a civil matter, not a planning consideration.

Councillor Cole commented that the only a bedroom window would overlook Ms Robson's property, considering this to be minimal disruption when compared to a living room. Ms Robson replied that the rooms would be in use each day and would therefore be felt as an imposition on her garden.

Councillor Hunneman asked which room was behind the window currently overlooking Ms Robson's garden. Ms Robson believed it to be the landing. Councillor Hunneman commented that this window would no longer exist, but be replaced by a bedroom window at an oblique angle to Ms Robson's garden. Ms Robson stressed that this window would be closer.

Councillor Bairstow asked how wide the extension would be. Derek Carnegie confirmed that the extension would extend directly upwards from the existing ground floor walls. Ms Robson explained that there was almost no gap between the applicant's house and the boundary fence to her garden.

The Chairman asked if there was any significant difference between the proposed extension, and that at Number 29. Ms Robson replied that it was very similar but one was set back slightly at the front.

Councillor Adrian Edwards, speaking as Ward Member, raised the following points:

- Councillor Edwards recognised that many people had a need to extend their property, and was supportive of the principal, as long as it did not cause an adverse effect for neighbouring properties;
- Although there was no representative from the Newbury Town Council present to speak, Councillor Edwards alerted the Committee to the unanimous decision by Newbury Town Council to object to the application on the grounds of overlooking, overbearing construction, and loss of light and privacy to neighbours;
- Concerns had been raised by other neighbours regarding the imposing structure, blocked sunlight, and a view that this was an overdevelopment of the site;
- With many households using bedrooms as studies, there was a real possibility that the new window would impinge on Ms Robson's privacy;

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- Councillor Edwards requested that the Committee refuse the application.

Councillor Cole asked whether the extension of Number 29 had also been called to Committee, noting that it was very similar in scale and nature to that in question. Derek Carnegie advised that it had not been subject to a decision by Committee. Councillor Cole therefore asked Councillor Edwards his opinion as to the reason for the different levels of objection or support for the two applications. Councillor Edwards responded that he was not able to comment as he had not been around when the extension at Number 29 had been built.

Councillor Chandler asked whether the three houses had originally been built identically. The Chairman, referring to photographs of the houses, noted that they were very similar but not identical prior to the additional extensions.

Councillor Bairstow, as Ward Member, raised the following points:

- The original application, which had proposed an extension which would have extended to the rear of the property, had been viewed negatively. The change to the design had tempered this view;
- The gaps between the houses were not clear, but it appeared that the gap between the applicant and Ms Robson was smaller than that between the applicant and Number 29;
- Residents found it more affordable to extend their existing house rather than move to a larger house elsewhere;
- There was a difference in loss of light between the houses in question, and those opposite due to the aspect of the houses;
- Councillor Bairstow did not support the application, but believed that if the decision were appealed, permission would be granted.

Derek Carnegie offered the view that should this application be refused and subsequently appealed, it would be difficult to defend given surrounding activity and precedent in the area. The application under consideration was felt to be a reasonable compromise following the previous application.

Councillor Cole expressed her sympathy with Ms Robson but noted that the precedent set by the extension at Number 29 had great bearing on the decision to be made by the Committee. Councillor Cole viewed positively the efforts made by the applicant to accommodate the requests of Planning Officers and Ms Robson. Additionally, Councillor Cole considered that the loss of light to other neighbours appeared in great part to be due to a high hedge. Councillor Cole proposed that the recommendation made by Officers to grant planning permission be accepted.

Councillor Allen seconded the proposal.

Councillor Beck requested that if approved, further conditions be imposed around hours of work, as would normally be expected.

At the vote the proposal was carried subject to the additional conditions requested by Councillor Beck.

**RESOLVED that** the Head of Planning and Countryside be authorised to grant planning permission subject to the following conditions:

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.



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Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved drawing titles Elevations and First Floor Plan received on 02.09.2013.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The materials to be used in this development shall be as specified on the plans or the application forms.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14, Area Delivery Plan Policies 1 and 2 of the West Berkshire Core Strategy (2006-2026), and the guidance contained in West Berkshire Council Supplementary Planning Document Quality Design (June 2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

4. No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

### **28. Appeal Decisions relating to Western Area Planning Committee**

Members noted the outcome of appeal decisions relating to the Western Area.

*(The meeting commenced at 6.30 pm and closed at 8.00 pm)*

**CHAIRMAN** .....

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