

## **WESTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 5 FEBRUARY 2014**

**Councillors Present:** David Allen, Jeff Beck, Paul Bryant (Chairman), Adrian Edwards (Substitute) (In place of Hilary Cole), Paul Hower, Roger Hunneman, Andrew Rowles (Substitute) (In place of Virginia von Celsing), Anthony Stansfeld, Julian Swift-Hook and Ieuan Tuck

**Also Present:** Derek Carnegie, Sarah Clarke (Solicitor), Paul Goddard (Highways Development Control), Isabel Johnson and Elaine Walker (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor George Chandler, Councillor Hilary Cole and Councillor Virginia von Celsing

**Councillor(s) Absent:** Councillor Garth Simpson

#### **PART I**

#### **41. Minutes**

The Minutes of the meeting held on 15 January 2014 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Page 6, paragraph 4:** Amend 'Newtown Road' to read 'Newtown straight'.

#### **42. Declarations of Interest**

Councillors Ieuan Tuck, David Allen, Julian Swift-Hook, Adrian Edwards and Jeff Beck declared an interest in Agenda Items 4(1), and 4(3) 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 Swift-Hook also reported that his use of a computer during the meeting was in order to access information relevant to the application.

#### **43. Schedule of Planning Applications**

##### **43(1) Application No. and Parish:13/02707/FULD, Greenham Parish Council.**

*(Councillors Tuck, Allen, Edwards and Beck declared a personal interest in Agenda item 4(1) by virtue of the fact that they were members of Newbury Town Council, however they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in Agenda item 4(1) by virtue of the fact that he was a member of Newbury Town Council and Greenham Parish Council, but reported that he would view the application afresh on its own merit. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/02707/FULD in respect of 1 Dalby Crescent, Newbury.

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In accordance with the Council's Constitution, Mr Tony Forward, Parish Council representative, Mr Colin Fletcher, objector, and Mr Tom Brockman, applicant, addressed the Committee on this application.

The Chairman requested clarification as to whether there were any Tree Protection Orders on the site. Derek Carnegie confirmed that there were not.

Councillor Swift-Hook asked for confirmation of the extent to which the building height had been reduced. Derek Carnegie explained that a further review had been undertaken and this had shown the reduction to be 1 metre. The report that stated 0.5 metres was therefore incorrect.

Councillor Roger Hunneman asked what the difference was between the development of brownfield sites, and 'garden grabbing', and whether the Council had a policy in relation to development on gardens. Derek Carnegie replied that there was a lack of clarity about this difference and that it had become a matter for local authorities to decide. The Chairman stated that a good description of brownfield sites was 'previously developed land'. However Derek Carnegie said that the Council did not have a policy in relation to development on gardens and that these decisions were taken on a case by case basis.

Mr Tony Forward in addressing the Committee raised the following points:

- Newbury Town Council (NTC) had concerns over the definition of 'brownfield', and explained that the National Planning Policy Framework (NPPF) specifically exclude gardens. It was NTC's opinion that the Council should be more strict in the use of garden space for development;
- NTC were disappointed that more information was not provided to demonstrate the impact on the surrounding area due to the density of the proposed housing;
- Whilst it was acknowledged that the roofline had been lowered, there would remain a substantial impact as there had been no building there previously;
- NTC believed that condition 2 should remove all permitted development rights;
- The new application did not properly take into consideration the concerns of the Planning Inspector.
- Councillor Swift-Hook requested clarification as to the planning rights that NTC believed should be removed. Mr Forward confirmed that he was requesting that permitted development rights be removed to ensure that additional windows or window height velux windows for example were not permitted at a later date.

Mr Colin Fletcher, in addressing the Committee raised the following points:

- The current arrangement of housing along Dalby Crescent was that the houses on the right hand side of the road were set below road level, and on the left hand side of the road were bungalows. In Mr Fletcher's opinion, the proposed development would appear significantly taller than surrounding buildings;
- The location of Plot 4 meant that it would be unlikely to have a front garden;
- As a direct neighbour to the site, the development of the land would block sunlight from his back garden and reduce his privacy;
- Mr Fletcher was also concerned about parking for the new houses, stating that most families would have at least two cars, and with grown children and visitors this would increase again, requiring parking in the Crescent;
- Mr Fletcher stated that he had chosen to move to this bungalow following retirement for its quiet surroundings, and this proposal was very disappointing.

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Mr Tom Brockman, in addressing the Committee raised the following points:

- Mr Brockman believed that the issues raised by the Planning Inspector had been well considered and addressed appropriately in this application.

Councillor Swift-Hook, speaking as Ward Member, raised the following points:

- The application had caused considerable consternation amongst neighbours in Dalby Crescent, and having been in contact with both the objectors and the applicant he was able to see both arguments;
- Councillor Swift-Hook shared residents' concerns regarding parking and overlooking, and noted that despite the reduced height of Plot 4, it would still be clearly visible from the top of Dalby Crescent;
- The recent appeal decision had, however, identified the basis on which this application should be determined, and that was the impact of Units 3 and 4 on the surrounding area. Councillor Swift-Hook believed that the question to be considered was whether the reduced roof height was sufficient to overcome the Inspector's observations;
- Councillor Swift-Hook considered the issues to be finely balanced and remained undecided at this point.

Councillor Hunneman referred the Committee to paragraphs 7, 9 and 10 of the Planning Inspector's decision letter, where the Inspector had used phrases such as 'dominant' and 'out of character'. Councillor Hunneman acknowledged the reduced height of the building, but remained concerned about the overall impact of the development and considered it to be excessive.

Councillor Tuck expressed his concern with the amount of parking space allocated to these 4 family houses. He believed that as the families grew, this would cause even greater congestion in the road.

Councillor Paul Hewer expressed his sympathy with neighbouring residents, however he believed that the application adequately addressed the concerns raised at appeal and therefore believed that it would be difficult to defend a rejection of this application if it went to appeal again.

Derek Carnegie understood the concerns that had been raised during the evening, but reminded the Committee that the application met all of the Council's policy requirements for garden space, parking allowances and sustainability. Whilst the outcome might not be fully satisfactory, it would be difficult to defend a decision to refuse the application on any of these grounds.

Councillor Anthony Stansfeld commented that reducing the height of the roof by 1 metre was not sufficient to overcome the comments made by the Inspector in relation to dominance and integration.

Councillor Allen did not feel satisfied that the small adjustments made to the application would mitigate the Inspector's concerns.

Councillor Adrian Edwards commented that the parking spaces allocated per dwelling appeared generous when compared with locations nearer town where only one space per dwelling was provided.

Councillor Hunneman proposed that the Officer's recommendation to grant planning permission be refused. Councillor Allen seconded the proposal.

The Committee agreed that the reason for refusal was the impact of the development on the local amenity and street scene.

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At the vote the proposal was carried. Councillor Swift-Hook asked that it be noted that he abstained from voting.

**RESOLVED that** the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

### **Reasons:**

1. Notwithstanding the comments made in the Inspector's appeal decision letter regarding application 12/00426/FULD, the Council considers that the revised application on the site for 4 dwellings will still have a detrimental impact on the attractive street scene in Dalby Crescent, in particular with respect to plots 3 and 4 to the north of the site. There will also be an impact in visual terms upon the street scene on Pyle Hill/ Greenham Road to the west of the application site. The present attractive character of the vicinity will accordingly be significantly harmed contrary to the advice on good design as noted in the NPPF of 2012, Policy CS14 in the West Berkshire Core Strategy 2006 to 2026, and Policy HSG1 in the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007). The application is thus unacceptable.
2. The applicant has failed to enter into the required s106 planning obligation which would mitigate the impact the new occupants of the housing would have upon the Council's facilities, services, and infrastructure. Accordingly, the application is contrary to the advice in the NPPF of 2012, para 122 of the CIL Regulations of 2010, as amended, the advice in the Council's Document, Delivering Investment from Sustainable Development adopted in June 2013, and policy CS5 in the West Berkshire Core Strategy 2006 to 2026. It is thus unacceptable.

### **43(2) Application No and Parish: 13/02569/FULEXT, Newbury Town Council**

This item was withdrawn after the agenda had been published and prior to the meeting taking place and was therefore not discussed.

### **43(3) Application No and Parish: 13/01937/FULMAJ, Newbury Town Council**

*(Councillors Tuck, Allen, Edwards and Beck declared a personal interest in Agenda item 4(1) by virtue of the fact that they were members of Newbury Town Council, however they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in Agenda item 4(1) by virtue of the fact that he was a member of Newbury Town Council and Greenham Parish Council, but reported that he would view the application afresh on its own merit. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 13/01937/FULD in respect of Phoenix House, Bartholomew Street, Newbury.

The Chairman asked why the building had been listed. Isabel Johnson replied that it was for both historical reasons and its contribution to the street scene. The Chairman went on to ask whether the building could have been modified internally simply by notifying the Council if it were not listed. Isabel Johnson confirmed this would have been the case.

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In accordance with the Council's Constitution, Mr Phil Barnett, Parish Council representative, and Mr Anthony Pick, objector, addressed the Committee on this application.

Mr Phil Barnett in addressing the Committee raised the following points:

- Newbury Town Council (NTC) were concerned that no Listed Building Consent had been submitted;
- NTC were pleased to see an application being put forward for this site which was in great need of renovation and repair both internally and externally;
- The building would contain 10 dwellings which was not of concern, however the fact that no parking had been allocated for the residents of this building was of great concern. NTC expected residents to travel away from Newbury and would therefore have a requirement for a car;
- NTC was further concerned that there would be no contribution for open spaces.

Councillor Hunneman asked Mr Barnett to clarify his remarks regarding parking. Mr Barnett explained that a large number of resident parking permits had been issued in the area and this raised a concern as to whether new residents would be able to obtain a permit, and if they were able to, whether there would be sufficient parking spaces for them in the vicinity.

Referring to the following speaker, the Chairman commented that Mr Anthony Pick had been shown as an 'additional speaker' outside of the Council's permitted categories of speaking. Taking legal advice on the application of the Council's constitution, the Chairman asked Mr Pick to speak as an objector, Mr Pick agreed.

Mr Anthony Pick, in addressing the Committee raised the following points:

- This was a landmark building, important to the street scene, and he was therefore glad that this application had been submitted;
- There were concerns that once the building had been returned to a good state of repair, the historical nature of the building would mean it would remain expensive to maintain, and unless provision was made for this, it would be difficult to ensure that future owners would sustain good maintenance;
- Whilst Officers consider that the parking requirements for the building had been adequately considered, it was Mr Pick's view that the spaces available in the locality would not suffice and might lead to residents searching for a parking space;
- Mr Pick wished to balance the negative aspects of this application with the need for the building to be repaired and brought back into use.

Councillor Swift-Hook asked whether Mr Pick was able to suggest a solution to the parking issue. Mr Pick primarily considered the parking to be insufficient, but suggested that perhaps the land behind the building might be explored to provide parking.

Councillor Tony Vickers, as Ward Member, raised the following points:

- The application to improve the building was welcomed, however there remained an issue with parking arrangements. Residents were concerned about the additional cars that would be generated by the new occupants;
- The parking issue was cumulative and should be considered in conjunction with other developments nearby, which placed a combined pressure on street spaces;

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- On balance, Councillor Vickers supported the application, and was keen to see the improved building. He also commented on the increase footfall to local shops that new residents would bring;
- It would have been improved by a contribution to the shared spaces that would inevitably be used by occupants and their families;
- A further concern was in relation to construction traffic and parking for builders whilst on site.

Derek Carnegie reminded the Committee that in relation to developer contributions, the Council's policy had been applied, and that if the Committee would like to see this amended, then the policy would need to be changed.

Paul Goddard responded to the concerns about construction traffic, informing the Committee that a Traffic Management Plan would need to be submitted to set out how these aspects would be managed.

Councillor Stansfeld declared his support for the application and the improvements to the building. He did, however, raise a concern about the inclusion of affordable housing within the building, and referred to Mr Pick's comments about the cost of long term upkeep of a historical building.

Councillor Swift-Hook commented that a recent application to turn a building into a freight distribution depot had required a contribution to libraries, and it did not appear sensible that this application for residential accommodation did not attract a contribution for open spaces. However, he acknowledged that policy had been followed, and suggested that this inconsistency might be considered in the future.

Councillor Edwards outlined his support of the scheme, commenting on the deterioration of the building, and expressed his surprise that the Conservation Officer had not issued an order to bring the building back into a good state of repair. Councillor Edwards was concerned with the proposal for a one room studio apartment which he would like to see amalgamated into another apartment, or divided to provide a second room. Councillor Edwards was also concerned that there was no contribution required to the upkeep of amenity space.

Isabel Johnson related that the Conservation Officer had advised that a division of the studio flat into two rooms would not be acceptable due to the installation of dividing walls in the historical building. The studio had therefore remained as a large, single room.

Councillor Hunneman expressed his concern with the parking arrangements, but was supportive of returning the building to a good state of repair allowing it to be brought back into use. Councillor Hunneman also considered that NTC should receive a contribution for the upkeep of shared spaces.

Councillor Hewer stated his support of the application which he believed would rescue the building, but remained concerned about the impact on local traffic of construction vehicles manoeuvring around the site and adjoining roads, and of the parking of construction workers.

Councillor Swift-Hook proposed that the Officer's recommendation to grant planning permission be agreed with an additional condition relating to the management of the construction. This was seconded by Councillor Edwards.

Councillor Swift-Hook asked for clarification on the number of dwellings within the proposal, as in some places 11 dwellings were mentioned. Isabel Johnson confirmed that the original plan had included 11 dwellings and this had been consulted on, but the number had been reduced to 10 since the consultation.

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Councillor Andrew Rowles supported the application, but commented that the Listed Building Consent would still be needed and this might address any internal issues. Councillor Rowles also believed that NTC should receive a contribution from the developer for open spaces.

At the vote, the proposal was carried.

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

### **Conditions**

#### **Time limit**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 and the National Planning Policy Framework should it not be started within a reasonable time.

#### **Approved plans**

2. The development hereby approved shall be carried out in accordance with drawing title numbers 1140/06 (amended), 1140/07 (amended), dated 05/01/14.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against National, Regional and Local Planning Policy.

#### **Samples of materials**

3. No development shall commence on site until samples of the materials to be used in the development hereby permitted have been approved in writing by the Local Planning Authority. Samples shall be made available to be viewed at the site. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

#### **Fencing and enclosures**

4. No development or other operations shall commence on site until a scheme of fencing and other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority and no buildings shall be occupied before the fencing and other means of enclosure have been erected to the satisfaction of the Local Planning Authority.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

#### **Hard surfaces**

5. No development shall commence on site until a scheme confirming any upgrade for the means of treatment of the hard surfaced areas of the site has been submitted to and approved in writing by the Local Planning Authority. No building

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shall be occupied before the hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Temporary Parking Area**

6. No development shall take place until details of a temporary parking and turning area to be provided and maintained concurrently with the development of the site has been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area shall be provided at the commencement of development and thereafter maintained in accordance with the approved details until the development has been completed. During this time, the approved parking and turning area shall be kept available for parking and used by employees, contractors, operatives, visitors, and other persons working on the site during all periods that they are working at or visiting the site.

Reason: To ensure that the development is provided with adequate parking and turning facilities during the construction period. This condition is imposed in order to minimise the incidences of off site parking in the locality which could cause danger to other road users, and long terms inconvenience to local residents. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

### **Communal Lighting**

7. No development shall take place until details of a system of lighting which shall include a scheme of illuminating pedestrian and cycle parking areas when the building is occupied has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme of lighting shall be implemented prior to the development being brought into use and maintained in accordance with the approved scheme.

Reason: In the interest of security and safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **Cycle parking and bin storage**

8. No dwelling hereby permitted shall be occupied until the cycle parking and bin storage has been provided in accordance with the approved floor plans and elevations to be approved and this area shall thereafter be kept available for the parking of cycles and storage of bins at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles as well as suitable provision of bin storage in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **Hours of work**

9. The hours of work for all contractors for the duration of the site development shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:-

7.30am to 6.00pm on Mondays to Fridays 8.30am to 1.00pm on Saturdays and NO

work shall be carried out on Sundays or Bank Holidays.



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Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

### **Ecology**

10. Prior to works commencing on site, a survey of swift and bat use of the buildings will be undertaken and a report shall be submitted to the Local Planning Authority for approval. If either swifts or bats are found to be present, then the submitted report shall include a detailed mitigation plan including detailed construction drawings. Such approved mitigation works will be implemented in full and the measures maintained thereafter.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

### **CONS1 - Construction method statement**

- 11. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **8.3 Informatives**

1. This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the (date to be inserted upon completion). You are advised to ensure that you have all the necessary documents before development starts on site.
2. The Highways (Planning) Manager, West Berkshire District Council, Highways and Transport, Council Offices, Market Street, Newbury RG14 5LD, telephone 01635 519169, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks notice, to obtain details of underground services on the applicants' behalf.
3. It will be necessary to submit a separate Listed Building Consent. No work shall take place before Listed Building Consent is obtained.
4. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

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5. Any temporary signing required as part of this development is to be agreed in writing with the Highway Authority, West Berkshire Council, Highways and Transport, Council Offices, Market Street, Newbury, RG14 5LD.
6. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.
7. All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.
8. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

**OR**

- 8.4 If the legal agreement is not completed within two months of the date of Committee to **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the following reason:

The development fails to provide an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to the National Planning Policy Framework and Policies CS5 and CS6 of the West Berkshire Core Strategy 2006-2026 as well as the West Berkshire District Council's adopted SPD Delivering Investment from Sustainable Development.

### **44. 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 8.05 pm)*

**CHAIRMAN** .....

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