

# **WESTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 2 JULY 2014**

**Councillors Present:** David Allen, George Chandler, Hilary Cole, Paul Hewer, Roger Hunneman, Andrew Rowles (Substitute) (In place of Garth Simpson), Anthony Stansfeld, Ieuan Tuck, Tony Vickers (Substitute) (In place of Julian Swift-Hook) and Virginia von Celsing (Vice-Chairman)

**Also Present:** Derek Carnegie (Team Leader - Development Control), Sarah Clarke (Team Leader - Environment Solicitor), Paul Goddard (Team Leader - Highways) and Jenny Legge (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Jeff Beck, Councillor Paul Bryant, Councillor Garth Simpson and Councillor Julian Swift-Hook

### **PART I**

*(Councillor Virginia von Celsing in the Chair)*

#### **10. Minutes**

The Minutes of the meeting held on 11 June 2014 were approved as a true and correct record and signed by the Chairman.

#### **11. Declarations of Interest**

There were no declarations of interest received.

#### **12. Schedule of Planning Applications**

##### **12(1) Application No. and Parish: 14/00588/FUL - Greenham**

*(There were no declarations of interest received.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 14/00588/FUL in respect of 5 Burys Bank Road, Greenham, for a change of use from dwelling-house to residential care home (Use Class C2) for up to six young persons.

In accordance with the Council's Constitution, Mr Hatter, objector, and Julian Bolitho, agent, addressed the Committee on this application.

Derek Carnegie brought to the Committees attention that there would be no representative on behalf of Greenham Parish Council (GPC). Due to a combination of sickness and the recent resignation of the Chairman, there were no Councillors available to attend. GPC apologised and wanted to stress that this in no way lessened GPC's objections to the application or implied any disregard for the WAPC.

Derek Carnegie introduced Agenda Item 4 (1) which had been deferred from meeting on 11 June 2014. He noted that there had been a lengthy debate at the previous meeting which had resulted in the amended Condition, shown on page 22, third paragraph of the Agenda, being put before the Committee. Members had asked for Officers to be more precise as to the range of uses allowed on the site. He considered that the changes addressed all the points raised by Members, however concluded that if the decision were

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to be challenged he had reservations as to whether it could be defended at appeal. His recommendation was for approval subject to the amended Condition.

Mr Keith Hatter in addressing the Committee raised the following points:

- He was speaking on behalf of the residents of Peckmoor Drive, who were resolutely opposed to this application.
- He noted that the Committee had not been advised by an independent Autism expert and that current residents felt that they would suffer from an increase in anti-social behaviour (ASB), violence and disturbance to their amenities if this application were allowed.
- Mr Hatter described the scales used to calibrate the Autistic spectrum and asserted that as these had not been referred to and as there had been no meaningful input from an Autism expert, the amended Condition was not restrictive enough to be useful.
- He believed the site assessment had been inadequate and the danger to cyclists underestimated.
- There would be inadequate parking for family members visiting the proposed site.
- He queried the assertion that the hedge was cut three times a year and assured the Committee that there was a 'No Waiting' sign near to the proposed site.
- He suggested that there had been an abuse of the planning process and a general bias of the Committee in favour of the Priory Group; the applicant had been consulted regarding the amended Condition, however the objectors had not. He had taken exception to the Chairman's comment made at the close of the previous meeting.
- He was concerned that Members had not declared their interests in Advent & The Priory Group and would benefit from these businesses. He pointed out that Councillor Anthony Stansfeld's wife worked for a company that had dealings with the Priory Group and that he should have declared this and removed himself from the debate.

Councillor Anthony Stansfeld stated that he was unaware of any connection between the applicants and his wife's employers, but that he would abstain from the vote.

Councillor Tony Vickers asked for Officers to clarify how a Member could declare an interest if they were unaware of it. Sarah Clarke explained that Members had to declare any personal or pecuniary interests, but that if they were unaware of the interests then these would be remote and therefore there would be no suggestion that Members had acted improperly.

Councillor Andrew Rowles asked Mr Hatter if the property was large enough to house six people. Mr Hatter answered that he had not seen inside the property and so was unable to comment. Councillor Rowles further inquired if Mr Hatter would be content if the house was used by a large family. Mr Hatter explained that the number of visitors he estimated would visit the proposed site would be many more than would be generated by a large family. Councillor Rowles asked if six people would create a lot of noise. Mr Hatter observed that a large family would not need planning permission and that adults aged up to 19 years who could be on the furthest end of the spectrum would be able to live at the residence.

Councillor Hilary Cole enquired how many families with children lived in Peckmoor Drive. Mr Hatter confirmed there were five. Councillor Cole further asked how many houses there were in Peckmoor Drive. Mr Hatter noted there were five. He noted that he was objecting on behalf of nearby roads in addition to the residents of Peckmoor Drive.

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Councillor Cole sought clarification from Officers as to bias within the Committee. Sarah Clarke was content that there was nothing to suggest that Members were biased and unable to vote and that therefore she believed that Members were entitled and obliged to vote on this matter. Councillor Cole concurred that she did not believe there had been an abuse of the process.

Mr Hatter asserted that he had received legal advice that the process had not been followed. Sarah Clarke explained that his legal advisor was entitled to their own opinion.

Mr Julian Bolitho in addressing the Committee raised the following points:

- At the resolution of the last meeting there had been some discussion regarding the definition of Use Classes two and three. On that occasion he had not had the government guidance to hand but had since researched the detailed definitions and could confirm that this proposal was a Class 2 application. Guidance stated that Conditions had to be related to planning issues and precise and he believed that this applied to the amended Condition.
- He explained that the reasoning for stating that the young people had to be under 19 rather than 18 was that they would be in education and likely to have turned 18 during their last year and it would be unreasonable to remove them from the property at that stage of their studies.

Councillor Cole noted that Mr Hatter had queried the level of autism that the young people would have. Priors Court was within her own ward, however the children did not go through the education system. Councillor Cole queried that, as the young people who were to live in the proposed site were able to attend school, did this mean that they were at the lower end of the spectrum. Mr Bolitho could not guarantee that all six students would be at the lowest end of the spectrum.

Councillor Roger Hunneman noted an error in the minutes from the previous meeting that had been overlooked. Sarah Clarke reminded the Committee that the minutes had been agreed and signed. Councillor Hunneman wished to expand on the comments ascribed to him on page 12 of the agenda in the penultimate paragraph. He remembered his comment to have been that there was a 'no waiting at any time' sign which was obscured by a hedge, but no yellow lines on the road. He asked Officers if there would be yellow lines. Paul Goddard explained that the sign was put there during the times of demonstrations against Greenham Common airbase to restrict parking in surrounding roads. The restriction had not been active for about 20 years and the sign should have been removed. He had referred the matter to a colleague. He believed there was sufficient parking on site and the 'no waiting' restriction would not be reinstated.

Derek Carnegie noted that Public Protection Officers had no concerns about the impact of noise from the site.

Councillor Cole remarked that she had asked for the deferment of this item so that clarity could be sought on the uses of Class 2 sites. She now felt that satisfied that the Condition included the element of protection required. Mr Hatter had suggested that the Committee was biased and prejudiced, but she opined that it was the objectors that were biased and prejudiced about this application.

Councillor Cole proposed to accept Officer recommendation to grant permission. This was seconded by Councillor Paul Hewer.

Councillor Tony Vickers was concerned about what he considered a lack of firmness in the amended Condition and the potential for it to be overturned at appeal. He asked if Officers had considered using a Business Class to restrict the use. Derek Carnegie explained that it would still be open to challenge and the Planning Inspector to come to

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their own conclusion. He felt that Officers had gone as far as they could in terms of Conditions and reminded the Committee that the Planning Inspector could also approve the application without the amended Condition. The Government has a commitment to 'Care in the Community'.

The Chairman invited the Committee to vote on the proposal to accept Officer recommendation to grant permission and it was carried. Councillor Stansfeld asked that his abstention be minuted.

**RESOLVED** to **DELEGATE** to the Head of Planning & Countryside to **GRANT PLANNING PERMISSION** subject to conditions, subject to the following conditions:

### **Conditions**

1. The change of use 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).

2. The development hereby permitted shall be carried out in accordance with the approved drawing number 1195 003 received on 6th March 2014.

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

3. The application site shall be used solely as a residential care home for up to six young persons aged under 19 years with autistic spectrum disorders or learning difficulties and for no other purpose including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or an order revoking and re-enacting that Order, with or without modification)."

Reason: Any other use or intensification of use may not be acceptable on the site. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS1 and CS14 of the West Berkshire Core Strategy 2006-2026 and Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

### **Informatives:**

1. 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 which improves the economic, social and environmental conditions of the area.

### **13. Application No. and Parish: 14/00943/FUL - Greenham**

Derek Carnegie informed the Committee that (Agenda Item 4(2)) concerning Planning Application 14/00943/FUL in respect of land rear of 163 Greenham Business Park, for the retention of administration buildings and storage tanks, [administration buildings permitted by permission number 152079] had been withdrawn by the applicant and would therefore not be considered at this meeting. Councillor Roger Hunneman commented that Members would not like to lose sight of this application. Derek Carnegie confirmed that if a further application were required, it would be brought back to the Committee.

Following the conclusion of the meeting Councillor Hilary Cole informed the Committee that there was a proposal to limit the presentations of Ward Members to five minutes in total, to echo that of other speakers at Planning meetings. Members would present from the same table as objectors / applicants signifying the change in role from Committee Member to Ward Member. It was felt this would add a sense of fairness to the proceedings. Members would then return to their places in the Committee to take part in

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the debate. Sarah Clarke confirmed that if there were more than one Ward Member wishing to speak they would need to share the five minutes, as other speakers were currently required to do. Members concurred that this was an excellent suggestion.

*(The meeting commenced at 6.30 pm and closed at 7.15 pm)*

**CHAIRMAN** .....

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