

18/04/2023.

**To:** Councillors Phil Barnett, Jeff Beck, Jo Day, Billy Drummond, Nigel Foot, Roger Hunneman, Pam Lusby Taylor, David Marsh, Vaughan Miller, Andy Moore, Gary Norman and Tony Vickers

**Substitutes:** Councillors Martin Colston, Jon Gage and Stephen Masters

Dear Councillor,

You are summoned to attend a meeting of the **Planning & Highways Committee** on **Monday 24<sup>th</sup> April 2023 at 7:30 pm.**

The meeting will be held in the Council Chamber, Town Hall, Market Place, Newbury, RG14 5AA and streamed via Zoom. The meeting is open to the press and public.

Join Zoom Meeting

<https://us02web.zoom.us/j/89579829307?pwd=MDZVSmNyVG85TjZLZlZoZXFzdm40Zz09&from=addon>

**Hugh Peacocke**  
**Chief Executive Officer**

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### **AGENDA.**

- 1. Apologies**
- 2. Declarations of Interest and Dispensations**  
**To receive** any declarations of interest relating to business to be conducted in this meeting and confirmation of any relevant dispensations.
- 3. Minutes**
  - 3.1 To approve** the minutes of a meeting of the Planning & Highways Committee held on Monday 27/3/2023 (Appendix 1.1 and 1.2)
  - 3.3 To receive** any updates on actions from previous meetings.
- 4. Questions and Petitions from Members of the Public**  
Questions, in writing, must be with the CEO by 2:00 pm on Friday 21/4/2023.
- 5. Members' Questions and Petitions**  
Questions, in writing, must be with the CEO by 2:00 pm on Friday 21/4/2023.

Town Hall, Market Place, Newbury, RG14 5AA

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6. **Schedule of Planning Applications (Appendix 2)**  
**To Comment** on the planning applications listed at the attached schedule.
7. **Schedule of Licensing Applications (Appendix 3)**  
**To Comment** on the licensing applications received.
8. **Infrastructure for Mobile Technology (Appendix 4)**  
**To Approve** a protocol for the Town Council when responding to consultations or applications for infrastructure for mobile technology.
9. **Responding to Planning Applications (Appendix 5)**  
**To Approve** the review of the Council's process for responding to consultations on planning applications.
10. **Update on Newbury's Neighbourhood Development Plan**  
**To Receive** an update on Newbury's Neighbourhood Development Plan.
11. **Update from The Western Area Planning Committee**  
**To Receive** an update on any relevant business from the Western Area Planning Committee.
12. **Forward Work Programme for Planning & Highways Committee (Appendix 6)**  
**To Note** and agree any other items that Members resolve to add to the Forward Work Programme.

**Minutes of a meeting of the Planning and Highways Committee held at 7:30 pm on Monday 27<sup>th</sup> March 2023, in the Council Chamber, Newbury Town Council, Town Hall, Market Place, Newbury,**

**Present**

Councillors Phil Barnett, Jeff Beck, Jo Day, Billy Drummond, Nigel Foot, Roger Hunneman, Pam Lusby Taylor, David Marsh, Andy Moore and Gary Norman.

**In Attendance**

Hugh Peacocke (Chief Executive Officer)

**172. Apologies**

Apologies received from Councillors Vaughan Miller and Tony Vickers.

**173. Declarations of Interest and Dispensations**

The CEO declared that Councillors Phil Barnett, Jeff Beck, Billy Drummond, David Marsh and Andy Moore are also Members of West Berkshire Council, which is declared as a general interest on their behalf and a dispensation is in place to allow them to partake in discussions relating to West Berkshire Council business.

Councillor Phil Barnett and Billy Drummond are also Members of Greenham Parish Council.

The CEO made the following statement on behalf of Councillors Phil Barnett and Jeff Beck who are members of West Berkshire Council Planning Committee and Councillor Andy Moore, who is a Substitute Member: "I wish to make it clear that any comments I make tonight are only being made in relation to the formulation of the Town Council's view and is not in any way prejudging the way that I may vote when any application is considered by West Berkshire District Council. At that time, I will weigh up all the evidence."

Councillor Andy Moore declared an interest in Planning Application ref. No. 23/00424/Adv as a member of St Nic's Church.

**174. Minutes of the Meeting of the Planning and Highways Committee held on Monday 6<sup>th</sup> March 2023.**

**Proposed:** Councillor Roger Hunneman

**Seconded:** Councillor Billy Drummond

**Resolved:** That the minutes of the meeting held on 06/03/2023, be approved and signed by the Chairperson.

**175. Actions from previous meetings**

Consultation responses sent to West Berkshire District Council- Planning applications and Station Road parking.

**176. Questions from members of the public**

There were 2 questions received from Mrs. Paula Saunderson relating to the Cold Ash Parish Neighbourhood Development Plan which were taken when that item was reached on the agenda.

**177. Members' Questions and Petitions**

Question received from Councillor Billy Drummond:

*"I get many complaints from local resident's complaining about the use of electric scooters on local roads, with no insurance, training or wearing helmets, and speeding. I had one last week, explaining that she had just left the local Greenham gym, by Burger King and had to brake at the last minute to miss a speeding scooter, dressed in dark clothing and no lights, crossing the mini round a bout at speed. Members of the public should not have the death of a young person on their conscience.*

*Could I please ask you to write to the Chief Inspector in your capacity as CEO of NTC to come the Planning and Highways Committee and address the Members with your views on this subject and to take any questions from members."*

The Chairman replied that the CEO would write as requested to the Chief Inspector of Thames Valley Police

**178. Suspension of Standing Orders**

**Proposed:** Councillor Nigel Foot

**Seconded:** Councillor Jeff Beck

**Resolved:** That standing orders be suspended to receive the presentation from Vodafone and Cornerstone re the siting of 5 G masts.

**179. Positioning of 5G masts**

The Chairman welcomed Mr. Rob Matthews from Vodafone and Mr. Richard Knowles from Cornerstone to the meeting and invited them to present to members on the Code of Good Practice for the siting of 5G masts.

Mr. Matthews explained that Cornerstone was Vodafone's contractor for the provision of infrastructure services for mobile technology.

Mr. Knowles gave a presentation on the Code of Good Practice for Wireless Network Development in England. He also outlined the criteria for site selection and the practices followed by Cornerstone and Vodafone. They answered questions from the meeting and also from members of the public.

A member of the public raised issues regarding a mast at Stoney Lane/ Kiln Road junction and it was agreed that the Council would write to the provider about the colour of the mast.

The meeting thanked Mr. Matthews and Mr. Knowles for attending and for their very useful presentation.

The following actions were agreed:

- To write to Mr. Matthews and Mr. Knowles to thank them for their attendance and the presentation
- To send a copy of the presentation to each member of the Committee
- To add this item to the next agenda so that members could agree a protocol for responding when consulted regarding mobile mast applications.

**180. Schedule of Planning Applications**

Resolved that the observations recorded as Appendix 1.2 to these minutes be submitted to the planning authority.

**181. Schedule of Applications for Prior Approval**

The meeting resolved that planning permission should be sought for application Ref. No. 23/00611/PASSHE.

**182. The Cold Ash Neighbourhood Development Plan**

The meeting heard that the Council had been invited by Cold Ash Parish Council to respond to their draft Neighbourhood Development Plan.

The Chairman invited Mrs. Paula Saunderson to submit her questions to the meeting:

*1. Please will the Committee consider carefully its response with regard to the establishment of green gaps between Cold Ash Parish and Clay Hill Parish/Ward in relation to the West Berks Appropriate Countryside Designations Study (Nov 2022) & various Landscape Character Assessments and ask for Parcel 9 which includes these areas below to be designated as Local Green Gap/Wedge.*

*a. Stoney Lane, Stone Copse & Ashmore Green*

*b. Messenger Wood & Copse between Pear Tree Lane & Stoney Lane*

*c. Area North of Shaw Cemetery between Long Lane & Pear Tree Lane*

**Proposed:** Councillor Jeff Beck

**Seconded:** Councillor Roger Hunneman

**Resolved:** That the Council requests Cold Ash Parish Council to consider these matters when preparing their Neighbourhood Development Plan.

*2. Please will this Council endorse the request by Cold Ash NDP in Appendix C, Local Green Spaces, to designate No.6 - Waller Drive Recreational Park - as a Local Green Space on the basis of recreational and tranquillity value.*

**Proposed:** Councillor Nigel Foot

**Seconded:** Councillor Jeff Beck

**Resolved:** That the Council endorses the request by Cold Ash NDP in Appendix C, Local Green Spaces, to designate No.6 - Waller Drive Recreational Park - as a Local Green Space on the basis of recreational and tranquillity value.

**183. Update from the Heritage Working Group**

The meeting received the minutes of the Heritage Working Group held on 9 March. As requested, it was agreed to ask the Conservation Officer

at WBC to review The Thai Restaurant on Bartholomew Street and look to see if something can be done as a matter of urgency, and also to look at the other buildings highlighted to be at risk:

- 3 & 9 London Road.
- Eight Bells.
- URC Hall, Cromwell Place.
- 41 Cheap Street.
- 58 Cheap Street (damage to the foundation stone).

**184. Update on Newbury's Neighbourhood Development Plan**

The Chairman reported that the Steering Group met on 20 March to consider the consultants' report on the survey. This included a very helpful spreadsheet which set out how the NDP policies and objectives aligned with the Local plan review and the National Planning Policy Framework. It was agreed to request that members put themselves forward to work on specific topic groups regarding the various policy options arising. Also noted that there was a vacancy for a lay member on the Steering Group.

**185. Update from The Western Area Planning Committee**

No meetings held.

**186. Forward Work Programme for Planning & Highways Committee**

Noted. Agreed to add the item re 5 G masts (see Minute No. 179 above)

**There being no other business, the Chairperson declared the meeting closed at 9.30 pm**

Signed: \_\_\_\_\_  
Chairperson

Date: \_\_\_\_\_

**Planning and Highways Committee Meeting**  
**Schedule of Planning Applications and responses made**  
**27/03/2023**

Application Number	Location and Applicant	Proposal	Response
<a href="#">23/00574/OUTMAJ</a>	Land Adj. Emerald House, Newbury Business Park, London Road for Lipman Properties Ltd	Application for Outline Planning Permission with some matters reserved: Outline planning application with all matters submitted in detail with the exception of landscaping for the construction of a four-storey building comprising a self-storage facility (Use Class B8) with car parking and refuse stores. Matters to be considered: Access, Appearance, Layout and Scale	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>- The proposal in an employment area would impact on existing businesses in the vicinity and devalue them;</li> <li>- It is an inappropriate use of lands zoned for employment/ office use.</li> <li>- There should be a 10 metre buffer zone from the River Lambourne (EA guidance for an international designation.</li> </ul> The Council also agrees with all of the concerns raised in the submission on this application made by Mrs. Paula Saunderson.
<a href="#">21/02349/FUL</a> (Amended plans)	McDonald's, Newbury Retail Park, Pinchington Lane, Newbury	<b>Original Proposal:</b> Changes to access/egress to incorporate a new slip road for McDonald's traffic with alterations to kerb lines. The minor reconfiguration of the drive thru lane and car park to incorporate side by side ordering, including associated works to the site. The introduction of an island for signage and the installation of 2 no. Customer Order Display (COD) with overhead Canopy. A new Goal Post height restrictor to be installed with a new drive thru signage suite to replace existing.	<b>No objection</b>
<a href="#">21/02350/ADV</a> (Amended plans)	McDonald's, Newbury Retail Park, Pinchington Lane, Newbury	<b>Original Proposal:</b> The installation of 4 No. digital freestanding signs and 1 no digital booth screen. The relocation of 2 No. existing banner signs.	<b>No Objection</b>

Application Number	Location and Applicant	Proposal	Response
<a href="#">23/00459/FUL</a>	Falkland Veterinary Clinic, 214 Newtown Road, Newbury for CVS Vets Ltd	Section 73: Variation of Condition 7 (BREAAM) of previously approved application 22/02928/FUL: Single storey extension to the side of the existing veterinary clinic, minor changes to the existing fenestration, a new side door, and a new external store to the rear	<b>No objection</b>
<a href="#">23/00294/HOUSE</a>	10 Grove Road, Newbury for Mr & Mrs Russell	Proposed two storey and single storey extensions to frontage and single storey extension to rear with internal alterations	<b>No objection</b>
<a href="#">23/00466/HOUSE</a>	4 Lisle Close, Newbury for Mr & Mrs Tom Malton	Alterations and single storey rear extension to existing house	<b>No objection</b>
<a href="#">23/00338/FUL</a>	Aldi Foodstore Ltd, London Road, Newbury for ALDI Stores Ltd	Erection of a replacement plant compound and associated works	<b>No objection</b>
<a href="#">23/00397/OUTMAJ (Adjacent Parish)</a>	Covered Reservoir, Bath Road, Speen, Newbury for David Wilson Homes (Southern)	Section 73 - Application for Removal or Variation of a Condition following Grant of Planning Permission 17/02092/OUTMAJ - Hybrid planning application comprising an outline planning application for up to 93 dwellings and associated works - all matters reserved; a change of use of land from agricultural to public open space; a changes of use of land to provide extension to existing allotments; and a full planning application for the erection of 11 new dwellings, new access and associated works on previously developed land.	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>- Concerns regarding the Bath Road access</li> <li>- Impact on allotments</li> <li>- Inadequate bus stop plans</li> <li>- Inadequate car-parking plans</li> <li>- The proposal does not comply with the Renewable Energy objectives in CS15 in the Core strategy;</li> <li>- The applicants should meet the requirements of Thames Water</li> <li>- Hedgehog highways should be provided throughout the development.</li> </ul>
<a href="#">23/00421/HOUSE</a>	5 Erleigh Dene, Newbury for Mrs Sarah Gray	Rear single storey Extension & alterations to form Utility Room	<b>No objection</b>
<a href="#">23/00539/HOUSE</a>	31 Rupert Road, Newbury for Mr & Mrs Goodman	Single Storey Rear Extension	<b>No objection</b>



Application Number	Location and Applicant	Proposal	Response
<a href="#">23/00506/OOD</a> (Outside of District)	Out Of District Planning Consultation Basingstoke and Deane Borough Council Land at Watermill Bridge, Andover Road, Wash Water Hampshire	Out Of District Planning Consultation BDBC: Re: Amendment to 21/03394/OUT: Hybrid application for mixed use community comprising Outline application for up to 270 dwellings (Use Class C3) including dwellings for older people; a 1,600 square metre community building (Use Class F2(b)), a 1200 square metre Health Centre (Use Class E(e)) and a 250 square metre convenience store (Use Class F2(a)), demolition of Common Farm and associated agricultural buildings, provision of open space, allotments, community gardens, a riverside park/nature trail, drainage attenuation, landscaping and associated infrastructure. Full application for the first phase of residential development including 82 dwellings (Use Class C3), public open space, associated landscaping and infrastructure works, access arrangements including new vehicular access onto the A343 Andover Road	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>- The proposals do not accord with the principles of sustainable development</li> <li>- The land is subject to flooding</li> <li>- Insufficient provision for community facilities and amenities to support this development</li> <li>- No regard to the pressures this development will put on Newbury</li> <li>- No proper bus plan.</li> </ul>
<a href="#">23/00612/HOUSE</a>	12 Spencer Road, Newbury for Mr & Mrs S Hood	Proposed single storey rear extension to replace conservatory. Part conversion of garage with new raised roof	<b>No objection</b>
<a href="#">23/00445/FUL</a>	61 Russell Road, Newbury for Bartlett Property Development	Demolition of existing dwelling and erection of three dwellings	<b>No objection</b>
<a href="#">23/00120/FUL</a>	Church Of St John The Evangelist, St Johns Road, Newbury for St Johns Church PCC	Constructing three shaped metal cycle racks on a flagstone base 2.5m x 2.3m adjacent to the parish room on north side of St John's Church Parish Room	<b>Newbury Town Council supports this proposal</b>

Application Number	Location and Applicant	Proposal	Response
<a href="#">23/00386/LBC</a>	United Reformed Church, Cromwell Place, Newbury for The United Reformed Church Wessex (Trust) Ltd	Repair of boundary wall. Works to include the partial demolition and replacement of the wall.	<b>Newbury Town Council supports this proposal</b>
<a href="#">23/00507/FUL</a>	Bartholomew House, 38 London Road, Newbury for Mrs C Quinton Smith	Change of use from office B1a to residential dwelling C3	<b>No objection</b>
<a href="#">23/00509/LBC</a>	Bartholomew House, 38 London Road, Newbury for Mrs C Quinton Smith	Change of use from office B1a to residential dwelling C3	<b>No objection</b>
<a href="#">23/00563/ADV</a>	Paperchase 33 Parkway Shopping Centre, Newbury for Cards Direct Retail Ltd	Application for Consent to Display an Advertisement(s); Proposed internally illuminated fascia sign and non-illuminated projecting sign to replace existing signs	<b>No objection</b>
<a href="#">23/00424/ADV</a>	Church Of St Nicolas, Bartholomew Street, Newbury for Mr Richard Coward	Two new signs which replace existing signs facing onto Bartholomew Street and one new proposed sign facing onto West Mills. All signs have the same information on in relation to St Nicolas Church	<b>No objection</b> , subject to any comments by WBC Conservation Officer

**Planning and Highways Committee Meeting**  
**Schedule of Planning Applications**  
**24/04/2023**

Running Order	Ward	Application Number	Location and Applicant	Proposal
1.	Clay Hill	<a href="#">23/00688/HOUSE</a>	21 Kiln Road, Newbury for Mr & Mrs Curtis	Demolition of existing single story garage; new garage with storage space above; and enlarged car parking area for 3 cars by extending parking area with gabion basket type retaining wall to western boundary
2.	Clay Hill	<a href="#">23/00740/HOUSE</a>	3 Riverside Lane, Newbury for Mr D Paul & Mrs J S Talmage	Remove existing wooden 5 bar gates and pedestrian side gate and replace with 2m high black wrought iron gates which will be automated
3.	Clay Hill	<a href="#">23/00811/FUL</a> <b>(Adjacent parish)</b>	9 - 11 Highwood Close, Shaw, Newbury for Mr G Oliver	Proposed single storey rear extensions.
4.	East Fields	<a href="#">23/00698/HOUSE</a>	107 Boundary Road for Ms E Cleaver & Mr S Tolloczcko	Single storey rear extension
5.	East Fields	<a href="#">23/00699/HOUSE</a>	11 Greenlands Road, Newbury for Mr & Mrs Castello	Single storey front extension
6.	East Fields	<a href="#">23/00073/FUL</a>	Innovation House, Abex Road, Newbury for I.T.S.	Extension to existing warehouse and production facility
7.	East Fields	<a href="#">23/00810/HOUSE</a>	Floral Bank, Greenham Road, Newbury for Mr David Fitton	First floor extension
8.	East Fields	<a href="#">23/00808/HOUSE</a>	50 Newtown Road, Newbury for Mr & Mrs Bailey	Single storey extension to the rear of the property

9.	Speenhamland	<a href="#">23/00692/HOUSE</a>	12 Donnington Square, Newbury for Mr Tom Liddell	Section 73: Variation/removal of condition 2 (Approved plans) of approved 22/00551/HOUSE – Single storey rear/side extension, first floor side extension, basement accommodation, new external swimming pool and associated landscaping plus alterations and external repairs / energy improvements to the existing property
10.	Speenhamland	<a href="#">22/02492/FUL</a> <b>(Amended Plans)</b>	Aldi Foodstore Ltd, London Road for Aldi Foodstores Ltd	<p><b>Original Plans:</b> Demolition of the existing office building, and the extension and reconfiguration of the existing foodstore car park, with other associated works</p> <p><b>Amended Plans:</b> The main changes to the application include:</p> <ol style="list-style-type: none"> <li>1. Additional information in the form of a document titled 'Technical Note - Response to Highways Comments' has been submitted.</li> <li>2. An amended Flood Risk and Drainage Strategy document has been submitted in response to comments from the LLFA.</li> <li>3. An additional document titled 'Private Drainage Operation and Maintenance Manual' has been submitted.</li> <li>4. Additional information in the form of a document setting out responses to the comments from the Lead Local Flood Authority with references to the amended Flood Risk Assessment and Drainage Strategy document also submitted has been provided.</li> </ol>
11.	Wash Common	<a href="#">23/00554/HOUSE</a>	19 Meadow Road, Newbury for Mr & Mrs Pender	Proposed two storey side extension to include the installation of solar panels
12.	Wash Common	<a href="#">23/00578/FUL</a>	York House, 50 Andover Road, Newbury for Mr Alexander Glen	Change of Use from C2 to C3. (Conversion of single dwelling from previous commercial use)
13.	Wash Common	<a href="#">23/00649/HOUSE</a>	35 Paddock Road, Newbury for Mr Ramki Krishnamoorthy	Proposed demolition of existing Garage/Storage space; replaced with single storey side extension, enlarged living space with internal renovations, conversion of part roof from Hip to Gable, small side roof dormer and Velux windows
14.	Wash Common	<a href="#">23/00701/HOUSE</a>	2 Dormer Close, Newbury for Mr & Mrs L Rawlings	Addition of single storey rear and two storey side extensions to main dwelling and new attached single garage

15.	Wash Common	<a href="#">23/00684/HOUSE</a>	19 Wendan Road, Newbury for Mr & Mrs Marriage	Single storey rear extension
16.	Wash common	<a href="#">23/00732/HOUSE</a>	180 Andover Road, Newbury for Mr Matthew Baillie	Two storey extension to side/rear of property, new driveway and new vehicular access to Andover Road
17.	West Fields	<a href="#">23/00723/LBC</a>	3 Bowdown Court, Bartholomew Street, Newbury for Stonewater South East	Proposed replacement windows and doors
18.	West Fields	<a href="#">23/00746/FUL</a>	4 & 5 Bowdown Court, Bartholomew Street, Newbury for Stonewater South East	Proposed replacement windows and doors
19.	West Fields	<a href="#">23/00671/FUL</a>	3 London Road, Newbury for Ashmere Homes Ltd	Change of use and conversion of office accommodation on three floors to 3 nos. HMOs and 1 no self-contained flat on the ground floor with improvements to bin store and cycle store
20.	West Fields	<a href="#">22/03094/FUL</a> <b>(Amended Plans)</b>	The Old Farmhouse, 3 Kennet Road, Newbury for	<b>Original Plans:</b> A building providing secure storage for properties 1, 3 and 4 The Old Farmhouse, storage for landlord furniture and maintenance equipment, and revised parking and turning configuration.  <b>Amended Plans:</b> The main changes are: Amended block plan and proposed plans received
21.	West Fields	<a href="#">23/00661/HOUSE</a>	120 Craven Road, Newbury for Ms Joanna Kempshall	Demolition of existing outbuilding. Erection of a single storey rear extension and new rooflights
22.	West Fields	<a href="#">23/00749/HOUSE</a>	1 Enborne Road, Newbury for Mr & Mrs Mark Brown	Replacement of existing single storey side extension with two storey extension to provide new staircase, utility room, first floor bathrooms
23.	West Fields	<a href="#">23/00773/HOUSE</a>	The Old Coach House Salcombe Road Newbury for Mrs D Arden-Hunt	Proposed removal of existing pre-fabricated garage, replace with a single storey rear extension to provide a living room, shower room and associated internal alterations.
24.	West Fields	<a href="#">23/00805/HOUSE</a>	88 Russell Road, Newbury for Mr & Mrs Simon Pearson	Front car port and single storey rear extension

**Planning and Highways Committee Meeting**  
**Schedule of Licensing Applications**  
**24.04.2023**

Resolutions	Licence	Applicant(S)	Premises
	Licensing Act 2003 (Premises Licences & Club Premises Certificates) Regulations 2005 Premises Licence – <b>New</b>  Ref: 21562	<b>Applicant:</b> Podium Place Ltd	<b>Location:</b> PODIUM PLACE LIMITED, Podium Paddock, Unit C, 31 Bone Lane, RG14 4SH  <b>Proposal:</b> Supply of Alcohol Wednesday and Thursday 09:00 – 17:00, Friday 09:00 – 21:00 Saturday and Sunday 09:00 – 16:00
	Licensing Act 2003 (Premises Licences & Club Premises Certificates) Regulations 2005 Premises Licence – <b>New</b>  Ref: 21547	<b>Applicant:</b> Bite Express Ltd Tolga Sahin (Managing Director)	<b>Location:</b> Bite Express, 63A Bartholomew Street, RG14 7BE  <b>Proposal:</b> Monday - Sunday Recorded Music 08:00 – 23:00 Supply of Alcohol 11:00 – 02:00 Late Night Refreshment 23:00 – 02:00

## Newbury Town Council

## Public Report

To: Planning and Highways Committee

Date of meeting: 24 April 2023

Agenda item No. \_\_: Mobile infrastructure

**Decision Required:** To approve a protocol for responding to consultations on mobile infrastructure.

**Background/ Introduction**

In March 2022 the Government “*brought forward these important changes which will ensure that the planning system supports the delivery of mobile infrastructure, as part of our mission that by 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.*”

“ The guiding principles behind the reforms are:

- ensuring that the proposals help to deliver the government’s commitment to extending mobile geographical coverage further across the UK
- ensuring that all communities benefit from increased and enhanced coverage
- increasing investor confidence in 5G and mobile infrastructure, providing greater certainty that incentivises investment in mobile infrastructure
- encouraging maximum utilisation of existing sites and buildings, before new sites are developed, including enabling greater sharing of infrastructure
- ensuring appropriate environmental protections are in place

“ To further ensure that the delivery of high-quality wireless infrastructure is balanced with environmental considerations, DCMS has been leading the development of a new Code of Practice for Wireless Network Development in England in parallel to the technical consultation. Agreed by a working group made up of representatives of the mobile industry, other government departments, regulators, local planning authorities and protected areas, the new Code of Practice will provide updated guidance for all those involved in network deployment. The Code of Practice has a stronger focus on the siting and design of wireless infrastructure and the process for engaging with local authorities and communities. Mobile operators have committed to develop their networks and install wireless infrastructure according to the guidance set out in the updated Code of Practice.”

To implement these changes, the Government amended Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England)

## **Summary of changes to permitted development rights**

### **Enabling deployment of radio equipment housing**

To support the upgrading of sites and improve mobile connectivity in rural areas, .... enable small radio equipment cabinets to be installed on Article 2(3) land without prior approval – bringing regulations in line with those for unprotected areas. Cabinets over 2.5 cubic metres will still be subject to prior approval.

To further support site sharing and coverage in rural areas, make it easier to deploy equipment cabinets within compounds, while ensuring that visual impacts are mitigated.

... Introducing conditions into regulations to ensure that the impacts of development are minimised, as well as strengthening guidance on the siting of development through the new Code of Practice.

### **Strengthening existing ground-based masts**

To enable the upgrading of sites to support 5G deployment and increase network capacity, enable increases to width of existing masts without prior approval. Enable width increases of two-thirds for existing narrower masts (those that are currently under a metre in width) and increases of one-half or two metres (whichever is greatest) for existing wider masts (those that are currently more than one metre in width). Greater increases beyond these limits would be subject to prior approval and planning conditions that require operators to minimise impacts will be introduced.

To further support site sharing and extend mobile coverage, enable existing masts outside of Article 2(3) land to be increased to a height of 25 metres without the need for prior approval. Greater increases (up to 30 metres) would be subject to prior approval.

The Government will not be amending the current provisions that allow increases to heights of existing masts on Article 2(3) land without prior approval (increases up to 20 metres are currently permitted), but enable limited height increases in these areas subject to prior approval (up to 25 metres). New planning conditions will ensure that Code Operators minimise the visual impact of infrastructure, especially on Article 2(3) land.

### **Building-based masts**

To incentivise the use of buildings and existing structures, and help mitigate the impact of new development, enable the deployment of building-based masts in closer proximity to highways, subject to prior approval. Also permit smaller masts (up to 6 metres in height above the tallest part of the building) to be installed on buildings without the need for prior approval.

These changes will only apply on unprotected land. Furthermore, the existing conditions which limit the height of masts and require visual impacts to be minimised on buildings, will continue to apply.



## **New ground-based masts**

To facilitate site sharing and provide greater coverage and capacity, especially in rural areas, enable the deployment of taller new ground-based masts – up to 25 metres in height on Article 2(3) land or land on a highway, and up to 30 metres on unprotected land.

All new masts will still require the prior approval of the local planning authority, which will assess the proposed siting and appearance of the mast. Masts that exceed these heights will require full planning permission. The new Code of Practice will also provide detailed guidance on how operators could engage and consult with local communities on new development proposals to ensure that their views are considered.

The government did not take forward the proposal to permit the deployment of monopole masts without the requirement for prior approval on unprotected land at that time.

## **Issues arising/ Options considered**

The Permitted Development regulations are complex, and it is the duty of the professional officers of the planning authority to interpret and implement the regulations. The matters that concern Newbury Town Council, as a statutory consultee and in its role as “the voice of Newbury” are to ensure that there is proper local consultation, and that due weight is given to the concerns of the local community.

To assist the Council in dealing with this, representatives of Vodafone and Cornerstone, their mobile infrastructure contractors, were invited to attend the meeting of this Committee held on 27 March 2023, at which it was decided that this Council should agree a protocol for responding to consultations on mobile infrastructure.

### **1. The Code of Practice**

As mentioned in the Government release above, the Department, in conjunction with the relevant stakeholders, developed a “Code of Practice for Wireless Network Development in England”. This was considered by the Committee at its last meeting, and The Code includes the following principles and commitments:

- **Site sharing and use of existing infrastructure:** make use of existing structures, sites and masts wherever possible to reduce the need for new development. The NPPF states that, when installing mobile infrastructure, the number of masts and sites should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.
- **Consultation with local planning authorities, local communities and other stakeholders:** participate in dialogue with local planning authorities, along with other relevant stakeholders such as the highways authorities, Area of Outstanding Natural Beauty bodies, Historic England, and Natural England, including pre-application discussions, where appropriate. Maintain clear

procedures, and high-quality communication and consultation with local communities and other interested parties. Operators should agree community engagement with local planning authorities and share information as appropriate (see pre-application consultation with local communities below).

- **Standardised and high-quality approach to planning applications, and the notification procedure:** provide standardised supporting documentation for planning applications (where appropriate) within the context of national and local requirements. Ensure planning submissions are of high-quality and provide the necessary evidence to support the application (as per the NPPF).<sup>5</sup>

- **Prompt responses to enquiries:** respond to complaints and enquiries within a timely manner (see Review and Enquiries section below).

- **Siting and Design:** wireless infrastructure should be deployed in accordance with the guidance set out within this Code of Practice. Where appropriate, equipment should comply with the principles set out in the NPPF and consider any local planning policies, including any local and national design codes. When located in protected landscapes and other designated land, the sensitive nature of these areas must be considered.<sup>6</sup>

- **Removal of redundant equipment and site restoration:** ensure that when infrastructure is upgraded, any equipment that is made redundant by the upgrade, such as brackets, is removed to benefit the local environment.

At the meeting on 27 March, the Council asked the question: “What weight has the Code of Practice and who enforces it?”. The Council was advised that the Code is a voluntary agreement and it holds no statutory basis. “ This is an aspect not often understood by LPAs and communities – they use it as a reason to refuse. The Planning Inspectorate at appeal have noted the status of the Code

However we are aware of the implications of the Code and what it means if we ignore it :  
– the potential to undo all the good work we have undertaken over the last 20yrs+  
The potential to lose the PDR granted through Part 16 of the GPDO 2015 as amended

The Code is reviewed periodically – there is a working group”

## **2. The 14 days consultation period**

The Permitted Development Regulations require a 14 days consultation period. Vodafone said that they can and do agree more time if it does not fall within Council meeting cycles.

## **3. The 56 days Rule**

In the case of mobile infrastructure, the rule is that planning permission is granted if the planning authority fails to make a decision on an application within 56 days.

## **Conclusion/ Recommendations**

Arising from the above, the following Protocol is recommended for the Council when responding to consultations on Mobile Infrastructure:

- A. When consulted, the Council will invite the applicant and/or their agent, to attend the meeting at which the consultation or application is considered
- B. The Council's response will require the applicants to demonstrate compliance with the requirements of the Code of Practice, in particular:
  - i. Site sharing and use of existing infrastructure, the sequential Approach to Site Selection and siting and design of the infrastructure.
  - ii. Consultation with local planning authorities, local communities and other stakeholders.
- C. If the 14 days consultation period does not fall within the Committee's meeting cycle, then the Council will seek an extension in order to allow the Committee to respond. If this extension is not granted, the Council will respond as shown at A and B above.
- D. When responding to any applications to the planning authority for mobile infrastructure, the Council will urge the Authority to make a decision within 56 days, rather than allowing an unconditional permission by default.

**Report Author:** Hugh Peacocke, (CEO)

**Date:** 7 April 2023.

**Newbury Town Council****Public Report**

**To:** Planning and Highways Committee

**Date of meeting:** 24 April 2023.

**Agenda item No. 9:** Responding to Planning Applications

**Decision Required:** To approve the review.

**Background/ Introduction**

Newbury Town Council (NTC) is a statutory consultee in the planning process. As such, the Planning Authority, West Berkshire Council (WBC) notifies NTC of every planning application within the Town Council's boundary and some applications in adjoining parishes. This includes a large number of very minor applications, as well as all major applications.

At the moment, when notified of each application, NTC officers must identify the locality of the application site and write to people in the vicinity, as well as the applicant and/or agent. This letter advises them that the application will be considered at the next NTC Planning and Highways Committee meeting and invites them to attend and speak, either for or against the proposed development.

In 2023, to date, over 5 meetings, the Committee has considered 56 applications. NTC Officers have sent 274 letters regarding these applications. The cost of this is estimated at £300 per meeting.

The Committee has responded to every single application, with 36 responses being "No Objection".

**Issues arising/ Options considered**

While notified of every application, NTC is not legally required to respond to any or all of the applications. However, as the only elected body for the people of Newbury, NTC should respond to all applications which have a significant impact in the locality.

Over half of all the applications of which NTC is notified are for domestic extension works. A further 20% are for advertising signs and other minor commercial works. It is questionable if NTC should spend time and money writing to people in the vicinity of these proposals and taking the time to respond to them in Committee. The vast majority of these minor applications result in a "No Objection" response.

NTC could save officer and member time and money by not responding to minor applications. This would also give the Committee more time to deliberate and discuss the more significant applications. Nevertheless, it is important that members should decide which applications should go to Committee and which can go without a response from NTC.

### Option proposed:

The following revised process is recommended:

1. When notified of each planning application, NTC officers will decide which application should be brought to the agenda and letters sent out. In considering this matter, the officers should have regard to the following criteria:
  - a. All applications which require Listed Building consent should be on the agenda
  - b. All applications which result in an extra dwelling should be on the agenda
  - c. Any substantial non-residential proposals should be on the agenda.
2. Officers will send to each Committee member, each Friday, a weekly list of all applications notified and indicating which applications will be included on the agenda for the next committee meeting.
3. Any Committee member can request that any other application on the list be included on the agenda ( by 5.00 pm on the following Monday). In making such a request, the committee member will be required to declare that they have no "Disclosable Pecuniary interest" or personal interest in the application.

### Considerations:

#### 1. Reference to Council Strategy 2019-2024

It is a key element in the Council's Strategy that NTC "Provides a strong voice for Newbury." *" We will represent the views of the people of Newbury when working with other partners and stakeholders or other bodies, both local and national, who can improve the quality of life for our citizens."*

One of the ways that NTC does this is to *Comment on all planning and licensing applications in, near, or affecting the town and continue to provide a service to residents of Newbury who wish to comment on them further and seek to influence West Berkshire Council on all planning applications of significance".*

This proposal will enable the committee to focus on the applications of significance.

2. **Legal:** NTC has the authority to carry out its business as a statutory consultee in the manner proposed.
3. **Financial:** It is estimated that the proposal could save NTC £2,000 per annum in officer, print and postage costs, which could be more valuably deployed elsewhere. It should also reduce members time at meetings.

4. **Climate/ Environmental issues:** reduced use of paper and postage output. Shorter committee meetings, needing less heating and lighting in the Council Chamber.
5. **Crime and Disorder** Not applicable
6. **Risk assessment** Officers were concerned to ensure that members continue to determine which applications should be considered; the process above allows for this.

Planning is an area where members' interests can arise, hence the need for a declaration of interests when requesting that an application is added to the agenda.

7. **Equality and Diversity** No impact
8. **Consultation** Staff consulted. The members of the Committee will need to approve the process.

#### **Conclusion/ Recommendation**

**To Resolve** that Newbury Town Council amends its responses to planning applications notified to the Council as proposed above.

**Report Author:** Hugh Peacocke, CEO

**Date:** 6<sup>th</sup> April 2023.

## Newbury Town Council

Forward Work Programme for Planning and Highways Committee: 24 April 2023.

**Standing Items on each (ordinary meeting) agenda:**

1. Apologies
2. Declarations of Interests and Dispensations
- 3.1 Approval of Minutes of previous meeting
- 3.2 Officer's report on actions from previous meeting
4. Questions/Petitions from members of the Public
5. Questions/Petitions from Members of the Council
6. Schedule of Planning Applications
7. Schedule of Prior Approval Applications (if any)
8. Schedule of Licensing Applications (if any)
9. Schedule of Appeal Notifications (if any)
10. Schedule of Appeal Decisions (if any)
11. Neighbourhood Development Plan – Update (if any)
12. The Western Area Planning Committee – Update

To be confirmed	Follow-up discussion on footpath recommendations.
	Paths that have Cycle ban signs to be reviewed.
	Consider additional signage to countryside paths and open space within the parish of Newbury or immediately adjacent to it.
	Presentation: WBC about the licencing issues around the Draft Hackney Carriage and Private Hire Licensing Policy 2022-2027, and also ways to encourage green business opportunities.
	Presentation: WBC Enforcement on the requirements that need to be met for the issuing of Section 215's.
June/September/December/March (Quarterly)	Updates on Section 215 of the Town and Country Planning Acts.
Each November	Review of KPI's for Planning and Highways Committee
	Send Budget and Strategy proposals to RFO
2023	
	A presentation on Licensing Law to all members of the Council
	Highways office to present on the updated GIS system in use by WBDC
24 April 2023	a protocol for responding when consulted regarding mobile mast applications.