

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 8 SEPTEMBER 2010**

**Councillors Present:** Peter Argyle, Pamela Bale, Brian Bedwell (Chairman), Richard Crumly, Alan Law, Keith Lock, Mollie Lock, Royce Longton, Alan Macro, Tim Metcalfe, Irene Neill (Vice-Chairman) and Graham Pask

**Also Present:** Gareth Dowding (Senior Engineer), Hazel Evans (Senior Planning Officer), Liz Patient (Solicitor) and Dave Pearson (Team Leader - Development Control), Stephen Chard (Policy Officer)

### **PART I**

#### **30. Minutes**

The Minutes of the meeting held on 18 August 2010 were approved as a true and correct record and signed by the Chairman.

#### **31. Declarations of Interest**

Councillors Peter Argyle, Brian Bedwell, Keith Lock and Royce Longton declared an interest in Agenda Item 4(2), but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

#### **32. Schedule of Planning Applications**

The Chairman proposed that the order of business on the agenda be altered and it was agreed by the Committee that item 4(3) would be considered last on the agenda as it had attracted no public speaking.

##### **32(1) Application No. & Parish: 10/01259/HOUSE, Bradfield**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 10/01259/HOUSE in respect of a two storey rear extension, single storey side extension and double garage to replace single garage and car port.

In accordance with the Council's Constitution, Mr Russell Poole and Ms Kate Cooper, applicant and agent, addressed the Committee on this application.

Mr Poole in addressing the Committee raised the following points:

- He had lived in the village for 9 years and had always admired the house in question.
- When originally viewed a year ago, the house was in a poor condition due to the previous extension.
- Planning Officers were consulted on the possibility of a further extension to update the property so that it could become his family home. He was formally informed that permission would not automatically be granted and any planning application would be considered on its own merits. However, a nearby property had been granted planning permission in similar circumstances.
- More recently a verbal indication had been given by Planning that the proposed scheme would be acceptable. However, only a week ago he was advised that this was not the case and the matter would be determined at Committee. This meant that an early return from holiday was necessary.

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Ms Cooper in addressing the Committee raised the following points:

- The original building was a charming house with attractive period detail. It had very private grounds which were concealed from neighbouring properties.
- A poor rear extension constructed in the 1990's did not compliment the original building. The interior space was also poorly planned.
- The property was purchased with the aim of resurrecting its original charms and to transform this moderately sized dwelling with an improved extension.
- The application needed to be evaluated on its own merits and even with the extension the property would only cover a small proportion of the overall plot.
- The view from the highway would not be affected and the street scene would be protected.
- There was already permission for a new garage and it was in fact planned to have a smaller garage than the existing one.

Members questioned when the pre application advice was originally received and Mr Poole advised that this was in February 2010, prior to the purchase of the property. Mr Poole did recognise that there was a risk that the proposed extension would not be approved, but felt it was a risk worth taking. The indication that the application would likely be approved was given verbally on 16 July 2010.

Councillor Graham Pask, speaking as Ward Member, made the following points:

- He wanted to make the Committee aware of his concerns.
- He had some sympathy with the applicants and the proposal as the application, at an earlier stage, was indicated as likely to be recommended for approval.
- There were a number of considerations to take into account. He supported limiting the size of extensions, but greater emphasis was generally given to the merits of the proposal and plot size rather than the percentage increase of the dwelling.
- Policy considerations were named as one reason for the changed Officer Recommendation, but this (a Development Control practice note) was brought into being after the application was submitted. There was a responsibility to adhere to planning policy but there were, in some cases, extenuating circumstances to consider.
- The existing dwelling was unsympathetic to the rear, but the original frontage had not been and would not be altered. The side extension would however be visible from the front.
- This would enlarge the property, but would also make it more habitable.

In considering the above application a view was given by a Member that the original extension was disproportionate, but the application under consideration was a modest increase to the existing property which would lead to much needed improvement.

Officers were then questioned on the weight that should be given to the proposed reasons for refusal, namely a disproportionate extension and unacceptable design. David Pearson responded by making the following points:

- Both reasons for refusal were strongly supported by Planning Officers.

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- Consideration needed to be given to policy. Design needed to be considered on principle as well as on its impact. The quality design statement supported OVS2 in saying that extensions should be subservient. An increased extension and garage did not accord with this.
- Planning policy had evolved to prevent incremental extensions which could have a cumulative impact.
- This application proposed an overall increase of 25% to the existing house and, if approved, this could be against the strategic aims of the policy.

Councillor Alan Law, speaking as a Member of the Planning Policy Task Group, advised that the Development Control practice note referred to was not a major consideration in respect of this application. The issue of incremental extensions was already explicitly covered in ENV24 and SPG04 and these had been in existence for some time. These set a limit of a 100% increase as a result of extensions and this application was four times the size of the original.

As this was contrary to policy and could set a precedent, Councillor Law proposed to accept Officers Recommendation and refuse planning permission. This was seconded by Councillor Richard Crumly.

On the matter of setting a precedent, David Pearson advised that this was not easy to determine as each application had to be considered on its own planning merits. However, reference could always be drawn to other similar decisions and could be taken into account by Planning Inspectors.

There was still some support for the application among Members as it was felt that there was no impact to the front of the dwelling, the extension (which was all to the rear on a large plot) would bring about improvement both to the house and the garage and there were no issues of overlooking.

David Pearson then made the following points to clarify some of the uncertainty around pre-application advice and the status of the Development Control practice note referred to:

- No formal decision or contact was made with the applicant to inform them that the application would be approved.
- Officers were non-committal in providing pre-application advice and to inform applicants that their application would be considered on its own merits was acceptable.
- While the views of the Planning Policy Task Group were taken into account, the Officer Recommendation would have stood irrespective of this guidance note.

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

### **Disproportionate**

1. The application site is located in designated countryside and within the North Wessex Downs Area of Outstanding Natural Beauty. The existing dwelling has already been substantially extended. The proposed extension would increase the size of the dwelling by approximately 26% (in terms of floor space and volume) over the existing dwelling, and thus 259% (floor space) and 226% (volume) over the original dwelling. It would therefore further increase the amount of physical intrusion within this sensitive location and result in an extended dwelling disproportionate in size to the original, contrary to Policy ENV.24 of the West

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Berkshire District Local Plan (Saved Policies 2007). The increased size of the replacement garage would also serve to exacerbate this negative impact on the surrounding area.

### **Unacceptable Design**

2. The existing extensions to the dwelling are not subservient to the original house and the proposed further increases in their size would significantly add to the domination of the original house by extensions. The proposal fails to demonstrate high quality design and is therefore contrary to the provision of policy OVS.2 of the West Berkshire District Local Plan (Saved Policies 2007), the general guidance of design contained in PPS 1 and the specific guidance on the design of extension contained in West Berkshire Council's 'Quality Design' SPD.

### **32(2) Application No. & Parish: 10/00727/FUL, Theale**

*(Councillors Peter Argyle, Brian Bedwell, Keith Lock and Royce Longton declared a personal interest in Agenda item 4(2) by virtue of the fact that they knew the agent. As their interest was personal and not prejudicial they were permitted to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 10/00727/FUL in respect of a change of use of a public house to a four bedroomed house.

In accordance with the Council's Constitution, Mr Barry Morris, Parish Council representative, Mr David Alston, objector, and Mr Arthur Hedges and Mr M Postles, applicant and agent, addressed the Committee on this application.

Mr Morris in addressing the Committee raised the following points:

- The Parish Council objected to the loss of the only public house in North Street as it was a central point for the community.
- A lack of use was only true for the past two years as the public house had provided a good service in the past and could do so in the future as a free house.
- The previous tenants had little experience of running a public house and it operated as an expensive restaurant instead, which was not wanted by locals and trade was lost as a result.
- It was purchased as a business premises and it had been fully marketed.
- The Parish Council requested that the application be rejected and the opportunity be allowed for the public house to continue to trade as a free house.

Mr Alston in addressing the Committee raised the following points:

- He was speaking on behalf of the residents who objected to the scheme.
- He felt that greater consideration was needed based on the economic history of the public house, which showed trading as a free house and under the right ownership was a viable option.
- The independent report provided by Cookseys Chartered Surveyors was based on incorrectly low profit figures/estimates and the resulting trading valuation of £270k was, as a result, incorrect.
- Further considerations were needed based on correct information and trading valuations.

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In response to Member questions Mr Alston advised that:

- The car parking area was part of the site.
- The public house was sold by the pub chain, Punch.

Mr Hedges in addressing the Committee raised the following points:

- The pub had been failing for some time. Numerous landlords and tenants had sought ways to make it viable but without success. This included new signage.
- It was based in a small hamlet of only 20 houses and there were seven pubs/restaurants elsewhere in Theale.
- It was poorly located on a narrow back road and the access road from Englefield was dangerous.
- The car parking area was found to be insufficient when the pub had custom in the past and this was another factor in its failure.
- The independent surveyors report found the pub as being an unviable venture. The valuation provided in this report was for the building and not the business.
- There had been a decrease nationally in the purchase of alcohol in public houses.
- The applicant had met the requirements of SPG19 and the Local Plan.
- This was an opportunity for a new house with an extended garden that would enhance the existing appearance of the site.

In response to an earlier question, the applicant, Mr Postles, advised that he purchased the building for £265k. This had been reduced by around £60k as it could not be sold. At the time of purchase it had been closed for over a year as a pub and it was his intention to turn it into a family home.

There was a view expressed among Members that it was disappointing to see pubs close.

However, some Members felt that it was not economically viable to maintain this building as a pub due to issues including location, parking and the number of other pubs nearby (some of which had also encountered economic difficulties).

Councillor Alan Macro therefore proposed to accept Officers Recommendation and grant conditional planning permission. This was seconded by Councillor Keith Lock. This was put to the vote but was not agreed by the Committee.

*(Councillor Royce Longton abstained from the vote).*

It was pointed out that SPG19 was enacted to prevent the purchase of pubs for residential use and this should have been brought into force to prevent this happening in this instance.

An alternative proposal was then made by Councillor Richard Crumly to reject Officers Recommendation and refuse planning permission as the proposal was not compliant with SPG19 and to enable the pub to remain with its economic viability, which was not certain, reassessed. This was seconded by Councillor Tim Metcalfe who raised a concern that any change of use would need to be formally approved in any case.

A view was also given that any marketing to support changing the use of a pub should be undertaken directly by the existing owner. This needed consideration in future.

*(Councillor Royce Longton abstained from the vote).*

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

1. The applicant has provided insufficient detailed and convincing financial information to enable the Local Planning Authority to make a decision as to whether or not the loss of the public house can be justified when assessed against the guidance contained in West Berkshire Council's Supplementary Planning Guidance 19 – 'Public Houses' and paragraph EC.1 of PPS4 'Determining Planning Applications Affecting Shops and Services in Local Centres and Villages'.

### **32(3) Application No. & Parish: 10/00817/FUL, Wokefield**

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 10/00817/FUL in respect of the demolition of an existing house; erection of replacement 5 bedroom house; and re-organising landscape to provide formal route to the new house via existing access from the road.

Councillor Keith Lock, speaking as Ward Member, made the following points:

- He called this application to the Committee due to concerns regarding the proposed design.
- There were also concerns regarding whether the second floor had been included in the increased volume stated in the report.
- There was nothing in the application for stables or a garage and these could be applied for at a later stage, potentially increasing the overall size still further.
- However, he would be willing to accept Officers Recommendation to approve if a permitted development restriction could be conditioned for the remainder of the site.

David Pearson advised that this would be a reasonable addition, if it was considered to be a concern. Further development, i.e. a garage and any roof modifications, would therefore require planning permission.

Support was given to the application as it was felt to be a refreshing and innovative design.

Councillor Keith Lock then proposed to accept Officers Recommendation and this was seconded by Councillor Graham Pask.

Concerns were raised regarding the overall size and bulk of the proposed dwelling and it was felt that the inclusion of a garage could have changed Members' views on this application.

It was queried whether a garage would be required to be in proportion to the new house. David Pearson advised that the current proposed increase was well within policy and the site was not in an Area of Outstanding Natural Beauty (AONB). There was therefore scope for outbuildings, which would be considered on their own merits if and when necessary.

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

#### **Conditions**

#### **Time limit**

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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 Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007 should it not be started within a reasonable time.

### **Approved Plans**

2. The development hereby approved shall be carried out strictly in accordance with drawing title numbers 5449/PL07A, 5449/PL06A, 5449/PL09C and 5449/PL10B received on 26<sup>th</sup> July 2010, drawing title number 5449/PL03 Rev A received on 7<sup>th</sup> June 2010 unless otherwise agreed in writing by the Local Planning Authority on an application made for that purpose.

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 until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall include the submission of samples of any external finishes including bricks and stone, tiles and any other roof finishes to be used. 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 Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

### **Arboricultural Watching Brief**

4. No development, site works or demolition shall commence until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority, to supervise the recommendation provided in the tree report produced by Challice Consulting Ltd (ref: CC/581 AR919 dated 2<sup>nd</sup> June 2010) received on 3<sup>rd</sup> June 2010.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of West Berkshire District Local Plan 1991 - 2006 Policy OVS 2.

### **Tree protection**

5. No development shall commence (including any preparatory works) until the protective fencing detailed in drawing title numbers TPP-CC/581 AR919 received on 3<sup>rd</sup> June 2010 and as identified in the tree report CC/581 AR919 dated 2<sup>nd</sup> June 2010 has been erected. At least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local

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Planning Authority. No activities, storage of materials or machinery, parking of vehicles or fires whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figure 2 of B.S.5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy OVS2 of West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

### **Landscaping**

6. No development or other operations shall commence on site until a detailed scheme of landscaping for 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 landscape scheme within the first planting season following completion of development.
  - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policies OVS2 and OVS 3 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

### **Fencing and enclosures**

7. 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 is 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 Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

### **Hard surfacing**

8. No development shall commence on site until a scheme for the means of treatment of the hard surfaced areas of the site is submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before the



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hard surfaced areas have been constructed in accordance with the approved scheme.

Reason: In the interests of visual amenity, in accordance with Policy OVS.2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

### **Parking**

9. No development shall commence on site until the vehicle parking and turning space has been provided in accordance with drawing title number 5449/PL03 Rev A received on 7<sup>th</sup> June 2010. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

### **Demolition of existing outbuildings**

10. No development of the dwelling hereby approved shall commence until the shed, greenhouse and store, shown on drawing title number 5449/PL03 Rev A received on 7<sup>th</sup> June 2010, have been demolished.

Reason: To prevent the over-development of the site and harm to the character of the area in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

### **No additions or extensions**

11. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwelling shall be built or ancillary buildings or structures erected within the curtilage, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007.

### **Demolition of existing dwelling**

12. The existing dwelling shall be demolished within three months of the first occupation of the replacement dwelling hereby approved.

Reason: In the interests of visual amenity, in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

### **Waste Management**

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13. No development shall commence until full details of the disposal of rubble and waste materials from the demolition of the existing dwelling have been submitted to and approved in writing by the Local Planning Authority. The waste and rubble shall be disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of waste and rubble in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

### **Informatives**

1. The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
2. The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
3. 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.
4. All bats are protected by the Wildlife and Countryside Act 1981 (WCA) and the Conservation (Natural Habitat, &c.) Regulations 1994. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0118 9581222.

### **32(4) Application No. & Parish: 10/01220/HOUSE, Stratfield Mortimer**

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 10/01220/HOUSE in respect of Section 73A – Variation of Condition 1 (time limit and plans of planning permission 09/01814/HOUSE to incorporate a taller single storey extension and Variation of Condition 3 (windows) to amend windows granted under planning permission 09/01814/HOUSE (conversion of two semi detached cottages to one detached dwelling. Ground floor extensions to provide hall, utility, wc, family room and garden room. Remove existing rear outbuilding and detached garage).

In accordance with the Council's Constitution, Ms Anne Stewart-Power, Mr Robert Bird and Ms Jo Pollock, objectors, and Ms Lesley Nelson, applicant, together with the architect for the build, addressed the Committee on this application.

Ms Stewart-Power in addressing the Committee raised the following points:

- The Parish Council objected to the original application on the grounds of scale and design, although they did not lodge an objection for this variation.
- She lived next door to the completed house which was allowed to be built incorrectly by the applicant.
- Despite the hedges in place there was overlooking of her windows.

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- The Planning report made reference to the increased roof height and although this might appear minimal, Ms Stewart-Power questioned whether it was necessary as the roof reflected a glare onto her property and it would take some time for the roof to weather.

Mr Bird in addressing the Committee raised the following points:

- He was on Mortimer Parish Council for some time and it was his experience that people often tried to get away with alterations of this kind. This was not acceptable.

Ms Pollock in addressing the Committee raised the following points:

- The work undertaken on the property had impacted upon her privacy.
- No notice had been taken by the applicant of the many objections raised when this application was originally approved.
- Ms Pollock questioned at what point minor alterations became significant.

Ms Nelson in addressing the Committee raised the following points:

- The property had been in her daughter in law's family for some time and they had a wish to remain in the village and contribute to the community.
- Only four objections were received to the original application and the objections received on this occasion were partly duplicated.
- This application was in keeping with the number of different styles of home in the area which also had extensions. This dwelling added to that character.
- The variation to the extension windows was an improvement to match the original windows. The windows overlooking the neighbouring property had obscured glass, were screwed shut and had been sandblasted to protect the privacy of neighbours.
- The increased roof height had a minimal impact on surrounding properties.
- The roof and new brickwork would weather over time.

In response to Member questions, the building's architect made the following points:

- The roof angle was unchanged from the approved application.
- The plans circulated to the Committee were not the latest version he had provided to West Berkshire Council. These showed that the revised roof pitch was lower than 4m.

Councillor Keith Lock, speaking as Ward Member, made the following points:

- The original application attracted eight objections.
- It had been discovered that the extension was not built in accordance with the plans, which was why it had been called to Committee.

David Pearson suggested deferring the item as there was uncertainty over which were the most up to date plans. Deferral was proposed by Councillor Brian Bedwell and seconded by Councillor Richard Crumly.

**RESOLVED** that the item would be deferred to the next Eastern Area Planning Committee to ensure that the correct plans were being considered.

**32(5) Application No. & Parish: 10/01169/FUL, Bucklebury**

The Committee considered a report (Agenda Item 4(5)) concerning Planning Application 10/01169/FUL in respect of the erection of replacement dwelling following demolition of existing dwelling.

In accordance with the Council's Constitution, Mr Barry Dickens, Parish Council representative, and Mr Pitchford and Mr Darren Blackwell, applicant/agent, addressed the Committee on this application.

Mr Dickens in addressing the Committee raised the following points:

- Officers Recommendation to grant planning permission was a closely balanced decision.
- The Parish Council objected to the application as, in accordance with Supplementary Planning Guidance on replacement dwellings in the countryside, it was disproportionate to the original dwelling. Including the basement this was a 142% increase and without the basement taken into account it was still an increase of over 50%. This was contrary to ENV23 and the Bucklebury Village Design Statement, and constituted overdevelopment.
- The proposal would be overly intrusive, particularly when considering the existing outbuildings. It would not meet local and national guidelines.
- The design was inappropriate for the rural character of the area and this was again contrary to planning policy and the Village Design Statement. It would not compliment existing properties, this included the proposal to use lime render. It would also have a negative impact on the character, landscape and quality of the AONB in which it was located.
- Insufficient attention had been given to a landscaping scheme.
- The ridge height proposed was similar to the existing property.

Mr Pitchford in addressing the Committee raised the following points:

- He had lived in the area for ten years and had purchased this property with the intention of turning it into a family home two years ago.
- The property had previously been unoccupied for some time and the surrounding land was in a run down state. This had since been improved by Mr Pitchford and the land was used as an equestrian centre.
- The house was next to a stream and subsidence had been an issue. Parts of the house were therefore in a poor state of repair.
- The proposal had been carefully put together since the purchase of the property, this included keeping the height at the same level as the existing dwelling. This would keep it well obscured. Approval of the application would update the property and make it something to be proud of.

Mr Blackwell in addressing the Committee raised the following points:

- He gave further detail on the processes undertaken to put together this proposal. An application was produced in 2009, but was withdrawn as a result of the concerns that were raised.
- Lengthy consultation was undertaken with West Berkshire Council and as a result policy requirements were adhered to, the proposal for a garage was removed and

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the outbuildings were to be retained. These actions were felt to mitigate against the concerns raised previously and the application had been recommended for the Committee's approval.

- The floor space and volume increases had been significantly reduced from the 2009 application. The basement would have no impact and should not be included as part of the increase to the building.
- This building would be a benefit to the area.

In response to Member questions, Mr Pitchford advised that:

- If the application was approved, he would be willing to accept a condition to retain the outbuildings.
- The right of way would be kept safely open during the construction period.

Councillor Graham Pask, speaking as Ward Member, made the following points:

- He asked to bring this application to Committee because of the depth of concern felt by the Parish Council and by local residents.
- The existing building was not listed, but was of important local historical interest.
- It would have been preferable for residents if efforts could have been made to convert the existing property, rather than to demolish and rebuild, thereby losing the local landmark.
- Consideration was needed as to whether the proposed design was appropriate in an AONB. Other nearby dwellings had been extended rather than completely redeveloped.
- It would be nice to see this house lived in as a permanent family home, but consideration was needed to the proportion of the proposal and its design.

It was pointed out that as the building was not listed, the owner had the right to apply to demolish it. However, it was then queried whether the existing property could be afforded the category of a land mark building.

Reference was then made to the Development Control practice note, approved by the Planning Policy Task Group on 28 May 2010. This was felt to be a relevant consideration as it gave greater protection to the countryside within the AONB. The Task Group felt that an increase of more than 50% in an AONB should not be exceeded and even without considering the basement this proposal was a 63% increase in floor space and 61% increase in volume. The Officer Recommendation was therefore questioned in the light of this.

David Pearson advised that Officers took a professional judgement on the merits of the application and there was agreement, on balance, to recommend this for approval.

Mr Pearson was also concerned with regard to the standing the practice note, which had not been out for public consultation, would have at an appeal. He therefore felt that more long standing policies had more relevance.

Councillor Brian Bedwell, as Chairman, was concerned that not all Members were fully aware of the practice note.

Liz Patient added to these points by advising that any reasons for refusal needed to be based on the application, so that a decision taken could be well defended at a potential appeal and put the Committee in a stronger position. The practice note could be

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questioned by a Planning Inspector if public consultation had not been undertaken. Members were therefore recommended to consider the application on its merits.

Councillor Tim Metcalfe proposed to accept Officers Recommendation and grant planning permission as he felt the replacement design was of a high quality and the existing building was in a poor condition. This would provide a quality building which would be a landmark and would enhance the AONB. Councillor Richard Crumly seconded the proposal and added that this would provide suitable accommodation for the 21<sup>st</sup> century and the plot size was able to accommodate the proposed replacement dwelling.

The potential further condition to retain the outbuildings was discussed. David Pearson advised against its inclusion as it would be difficult to enforce over time.

There were conflicting views given over this proposal. There were concerns that the replacement dwelling would be too large, constituted overdevelopment of the site and the existing building should be preserved.

Although contrary to this was a view that the existing building had no architectural merit and was too close to the stream.

Another view given was that the existing building could be replaced, but the size should not be increased beyond 50%. This would be in line with the practice note unanimously agreed by Members of the Planning Policy Task Group.

*(Councillor Royce Longton abstained from the vote).*

**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 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.

#### **Plans**

2. The development hereby permitted shall be carried out in accordance with [drawing numbers to be confirmed], unless otherwise agreed in writing by the Local Planning Authority.

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

#### **Samples of materials**

3. No development shall take place until samples of the materials and finishes visible external to the replacement dwelling, and samples of all other materials of the development visible externally such as those used in hard landscaping features (including hard surfaced areas) have been submitted to and approved in writing by

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the Local Planning Authority. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity to ensure that appropriate materials are selected, in accordance with Policies OVS2, ENV1, ENV18 and ENV23 of the West Berkshire District Local Plan (Saved Policies 2007).

### **Landscaping**

4. No development shall take place (including site clearance and any other preparatory works) until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include a 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 within the first planting season following the completion of the development; and
  - b) any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year 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 in accordance with the objectives of Policies OVS2(a, b), OVS3(b), ENV1, ENV18 and ENV23(e) of the West Berkshire District Local Plan (Saved Policies 2007).

### **Hard surfaces**

5. No development shall take place until details of the external hard surfaced areas of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include a schedule of materials, means of treatment, and drawings demonstrating the layout of the hard surfaced areas. The dwelling hereby permitted shall not be occupied until the hard surfaced areas have been constructed in accordance with the approved details.

Reason: In the interests of visual amenity and surface water drainage, in accordance with Policies OVS2, ENV1, ENV18 and ENV23 of the West Berkshire District Local Plan (Saved Policies 2007).

### **Tree protection**

6. No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include protective fencing, all in accordance with BS5837:2005. No development works shall take place until the approved fencing has been erected and at least 2 working days notice has been given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or such a time as agreed in writing by the Local Planning

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Authority. No activities or storage of materials whatsoever shall take place within the protection areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified in Chapter 9 and detailed in Figure 2 of BS5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy OVS2(b) of the West Berkshire District Local Plan (Saved Policies 2007).

### **Arboricultural method statement**

7. No development shall take place (including site clearance and any other preparatory works) until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy OVS2(b) of the West Berkshire District Local Plan (Saved Policies 2007).

### **Tree protection – construction precautions**

8. No development shall take place (including site clearance and any other preparatory works) until details of the proposed foundations providing for the protection of the root zones of trees to be retained have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of Policy OVS2(b) of the West Berkshire District Local Plan (Saved Policies 2007).

### **External lighting**

9. No development shall take place until details of all external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details. No external lighting fixtures, other than those expressly authorised by this permission, shall be provided within the application site.

Reason: To prevent the effects of light pollution caused by intrusive external lighting. In the interests of preserving dark night skies and the protecting amenity of the AONB countryside. In accordance with the Council's adopted Supplementary Planning Document 'West Berkshire – Quality Design', Part 5 – External lighting; and Policies OVS2, ENV1, ENV18 and ENV23 of the West Berkshire District Local Plan (Saved Policies 2007).



**Removal of permitted development rights**

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions to the dwelling shall be built, and no ancillary buildings shall be erected within the curtilage of the dwelling.

Reason: To prevent the overdevelopment of the site, which is in a sensitive location within the designated countryside, and the North Wessex Downs Area of Outstanding Natural Beauty. In accordance with Policy ENV1 and ENV23 of the West Berkshire District Local Plan (Saved Policies 2007), and the guidance contained within PPS7.

**Code for Sustainable Homes**

11. No construction of the dwelling shall commence on site until a Design Stage assessment appropriate to the Code for Sustainable Homes, or an equivalent assessment methodology, demonstrating that the development will attain a minimum Code level 3 rating, or the relevant equivalent, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out and fully completed in accordance with the approved assessment. Prior to the first occupation of the dwelling hereby permitted a post construction review, carried out by a licensed assessor, confirming appropriate compliance shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Compliance with level 3 of the Code for Sustainable Homes has been volunteered. This condition is imposed in accordance with Policy OVS10 of the West Berkshire District Local Plan (Saved Policies 2007), and the guidance contained within the Council's adopted Supplementary Planning Document: Quality Design – West Berkshire, Part 4 'Sustainable Design Techniques'.

**Informatives:**

**Decision to grant permission**

1. 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.

**33. Appeal Decisions relating to Eastern Area Planning**

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

**34. Site Visits**

A date of 22 September 2010 at 9.30am was agreed for site visits if required.

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*(The meeting commenced at 6.30 pm and closed at 9.20 pm)*

**CHAIRMAN** .....

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