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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 18 AUGUST 2010

Councillors Present: Peter Argyle, Pamela Bale, Richard Crumly, Manohar Gopal (Substitute) (In place of Brian Bedwell), Alan Law, Keith Lock, Mollie Lock, Royce Longton, Tim Metcalfe, Irene Neill, Graham Pask.

Also Present: Arthur Cullen (Senior Tree Officer), Gareth Dowding (Senior Engineer), Liz Patient (Solicitor), Dave Pearson (Team Leader - Development Control), Jo Watt (Member Services Officer), Robert Alexander (Policy Officer)

Apologies for inability to attend the meeting: Councillor Brian Bedwell and Councillor Alan Macro

PART I

26. Minutes

The Minutes of the meeting held on 28 July 2010 were approved as a true and correct record and signed by the Chairman.

27. Declarations of Interest

Councillor Tim Metcalfe declared an interest in Agenda Item(s) 4.2, but reported that, as his interest was personal, but not prejudicial, he determined to retire to the audience and spoke only as Ward Member. Councillor Metcalfe did not vote on this application.

28. Schedule of Planning Applications

28(1) Application No. & Parish: 10/01063/FUL Basildon Parish Council

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 10/01063/FUL in respect of a replacement dwelling with associated car parking and landscaping.

Dave Pearson (Team Leader – Development Control) drew the committees attention to the size comparison given in the update sheet.

In accordance with the Council's Constitution, Mr Brian Groom, Parish Council representative, Mrs Nathalie Weekes & Mr Edward Lines, objectors, and Mr Tony Mullin, applicant/agent, addressed the Committee on this application.

Mr Groom (Parish Councillor) in addressing the Committee raised the following points:

- The site history of the application site showed ten applications. All of which had been refused with the exception of one.
- The new application did no in Mr Groom's opinion meet the recommendations of the Planning Inspector.
- The applicant claimed that the proposal was for a one-for-one replacement (Design & Access statement – page 7) Mr Groom felt it was not. There was only one property on the site prior to the year 2000, and its replacement should have been the two new properties at the front of the site.

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- The Inspector commented that the “the main issue was the area’s character and appearance” - in that - it was part of the AONB. Mr Groom believed that any future development should respect the basic settlement pattern of the village.
- In a previous appeal, it had been agreed that the small existing one bedroom bungalow would be allowed to remain. However, Mr Groom felt that a bigger property on the site would be a tandem development which was not appropriate for the site.
- Previously an application had been rejected for a proposal of a floor area of around 100 sq meters; however the current proposal was close to 50% greater than the one refused. This represented an overall increase of 212% of the floor area of the existing bungalow.
- Lower Basildon was a rural area with older houses, including listed buildings. The new structure was ‘ultra-modern’ and was not in keeping with the other of the properties in the area.
- Mr Groom said that the Planning Officer had stated that the “high brick wall” that runs the length of the boundary of the plot was an “attractive feature”. In Mr Groom’s opinion this was no the case and the wall was falling down and hid bricks and other debris behind it.
- Another reason the Parish Council were objecting, was in relation to pluvial run-off. The introduction of such a building mass would restrict the surface area available to absorb the rain water.

Councillor Tim Metcalfe questioned the status of the walled garden and whether this area of land could be developed. Parish Councillor Brian Groom informed Councillor Metcalfe that it was his understanding that the walled garden was outside the parish boundary and could not be developed without a further planning application.

Nathalie Weekes and Edward Lines (objectors) in addressing the Committee raised the following points:

- Mrs Weekes began by informing the committee that two years ago, two semi detached houses had been permitted at the front of the ‘Trees’ site. At that time West Berkshire Council commented that it would find a refusal decision for these houses very difficult following comments from a previous Appeal Inspector who supported development at the front of site
- Mrs Weekes informed the committee that the current application with a flat roof was only 70cm lower than the previous refused application.
- Previously height comparisons had been based on ridge heights, the current submission compared the chimney height of the existing dwelling against the proposed flat roof height.
- This proposal had a floor area of 146m sq compared to the application that had been refused which has an area of 99m sq and the bungalow area of 69m sq. The proposed development was due to have a volume of 700 cubic metres, compared to the previously refused application which was 450 cubic metres and the bungalow which currently has 260 cubic metres.
- Mrs Weekes quoted the Planning Inspectors comments that the application “Conflicted with LP Policies HSG.1, OVS.2 and ENV.1.” Mrs Weekes felt this

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was important as it represented significant harm to Basildon's settlement pattern and the AONB. It was larger than the latest refused application.

- In addition, properties at the front of the site would be overlooked by the proposed development.
- The design was not in keeping with the character of Lower Basildon and has been described by local residents as an 'urban design' or 'modern sports complex'.
- Mr Lines said that the updated information did not include the roof plan and the level information was inaccurate.
- The building itself was proposed to be twelve feet higher than the six foot fence, and was in reality seven foot higher than it should have been, due to the inaccuracy of the plans
- Finally Mr Lines mentioned that the building would encroach on his garden.

Councillor Law asked Mr Lines had raised the issue regarding boundaries to the planning officers during the application process. Mr Lines had, and this was noted in the update sheet

Tony Mullin (Agent) in addressing the Committee raised the following points:

- He hoped the application would change a dilapidated building into a new modern family building.
- Mr Mullin had tried to find something acceptable to all involved and affected, he felt it was a secluded building barely visible except from the road.
- The 2.5m high wall would provide privacy to the site.
- The applicant carefully researched the proposal, and used feedback from previous applications, pre application discussions, the Planning Inspectors reports and the village design statement.
- The proposal took into account the fact that the site was located in an AONB, that applicant and agent had spoken at length with officers and local residents at the site visit in an attempt to explain the proposal. Mr Mullin felt that the design was something special.

Councillor Tim Metcalfe inquired as to the status of the red and blue lines on the site map. The Agent responded that the red line boundary showed the proposed development, and the blue line showed the land ownership. The blue line incorporated the walled garden.

Councillor Metcalfe was interested as to whether this meant development could take place within the blue boundary. Mr Mullin responded that this could happen, however it would require a separate planning application that would have to come to committee.

Councillor Metcalfe proposed that if the application was to be approved, that it should hold a condition that the wall should be kept in good condition.

Councillor Graham Pask wanted to know how the Agent would incorporate the Planning Inspectors views that the previous application was seen as "substantially larger than the existing one" and this one is bigger still. The Agent responded by noting that it is bigger, however, it wouldn't appear so, as the proposed building would have a 1m lower roof

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than the existing bungalow, and the volumes of the building would be situated further back into the site to compliment it.

Councillor Bale reiterated the point that it is still in fact larger. The Agent acknowledged this, but said the offset and positioning would make it appear smaller.

Councillor Alan Law, speaking as Ward Member, made the following points:

- It was a very innovative design; however it didn't address issues of the previous inspectors, particularly the height issue. He felt that the data that had been put before committee in turns of the size differences was unclear.
- Councillor Law said that officers felt that the proposal was in keeping with the village design statements. However, Councillor Law said that he knew the authors to the Village Design and the types of dwelling they wished to see in Basildon were of a more traditional design.
- There was a long history to the site. All Planning Inspector reports recommended against tandem development.
- Councillor Law mentioned the planning application for the site across the road; Greensleaves was refused due to it being a tandem development.
- Councillor Law said he had come to the meeting open minded, however, when he saw the volume of the proposal had increased 3 times; this made him reconsider the application.

Dave Pearson informed the committee how he believed the Council face a challenge. If in such circumstance the Council was serious about creating new sustainable buildings, and then it would have to allow for innovative designs. The Committee noted that the Planning Inspector always gave evidence of specific harm caused by different reasons for refusals.

Councillor Graham Pask questioned why the site history indicated that the bungalow should be demolished when the planning permission was agreed for the two new houses at the front of the site, and the bungalow was still in place. He noted that the proposal was bigger than the bungalow and the last refused applications. Councillor Pask informed the Committee that he was not against modern/innovative designs, but questioned why it could not be a traditional looking house and sustainable.

Councillor Law told the committee that whilst hearing the response from fellow Councillors he proposed refusal. This was seconded by Councillor Keith Lock.

Councillor Keith Lock queried whether the bungalow should have been knocked down, and requested that this be looked into.

Councillor Royce Longton asked whether the original application included demolition.

Dave Pearson suggested deferring the application, as he didn't have the information required to hand. However, Councillor Alan Law believed the Committee should consider the facts in front of them and make a decision based on this.

Councillor Pamela Bale felt that the situation concerning the demolition of the bungalow needed to be looked at.

Councillor Richard Crumly put forward an alternative view that this was a vacant site, and it should be developed. The site he felt was substantial, and was tucked away. He felt that it was a modern design and it should be approved, therefore he wished to support the application.

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Councillor Alan Law formally proposed to refer the application for the following reasons;

- Overdevelopment of the site and size of development.
- Serve to destroy character of village
- Inappropriate design not in keeping with AONB.

Following a discussion regarding the status of the bungalow, Dave Pearson confirmed that a condition to demolish the bungalow could not be added to the reasons for refusal. The Committee noted that the Council had separate powers for dealing with enforcement issues such as this.

At the Vote the proposal to refuse was carried. Councillor Metcalfe and Longton abstained from the vote.

In considering the above application Members **RESOLVED** that the Head of Planning and Countryside be authorised to **refuse** planning permission for the following reasons:

Reasons for refusal

1. The application would result in overdevelopment of the site, a tandem form of development, and a dwelling of a height, size and bulk that are all out of character with the established pattern and density of development in this part of Lower Basildon. The proposed development would therefore seriously damage the amenity and character of the immediate area around the site and also of the surrounding Area of Outstanding Natural Beauty (AONB). Accordingly the proposed development is contrary to Policies OVS.2 and HSG.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, the guidance contained in PPS1, PPS3, and PPS7, the advice contained in West Berkshire Council's Supplementary Planning Document 'Quality Design' 2006, the Basildon Village Design Statement March 2001 and the Basildon Parish Plan April 2008 which collectively seek to ensure that housing development in sensitive rural areas such as this, and located within an AONB, is sympathetic to, and will have an acceptable impact on, the existing character of the area.
2. The modern design of the proposed dwelling is inappropriate to the context formed by the traditionally designed dwellings that immediately surround the site and also characterise the settlement of Lower Basildon. As a result the incongruous nature of the development would erode the pleasant and distinct character of the area and also have a negative impact on the surrounding AONB. Accordingly the development is contrary to Policies OVS.2 and HSG.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies, and the guidance contained in PPS1, PPS3, and PPS7, the advice contained in West Berkshire Council's Supplementary Planning Document 'Quality Design' 2006, The Basildon Village Design Statement March 2001 and the Basildon Parish Plan April 2008 which collectively seek to ensure that development achieves a high standard of design which respects and is in character with the context of the surrounding area.
3. As a result of the negative impacts identified in refusal reasons 1 and 2 above the proposal also fails to address the concerns raised by the Inspector when dismissing appeal reference APP/W0340/A/09/2118432 against the refusal of application 09/01776/FUL the previous application for a replacement dwelling on the site.

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28(2) Tree Preservation Order 201/21/860

Councillor Tim Metcalfe declared an interest in this item, but reported that, as his interest was personal, but not prejudicial, he determined to retire to the audience and spoke only as Ward Member. Councillor Metcalfe did not vote on this application.

Mr Arthur Cullen, Senior Tree Officer outlined the detail of the report as set out in pages 33-36 of the agenda.

Mr Rick Jones (Applicant) in addressing the Committee raised the following points:

- The tree in question had made his three car parking spaces unusable, and had resulted in his family having to park on the road.
- The berry shedding by the tree had increased considerably, making the land underneath it slippery to car users and pedestrians.
- Pigeons were attracted to the berries, and the droppings that were created were acidic, therefore caused damage to cars.
- The tree which was planted in 1950 and therefore is not an ancient tree, the applicant noted that it was the wrong tree in the wrong place and he was prepared to replace it with a mature tree of a different variety.

Councillor Richard Crumly enquired to the applicant whether he had considered trimming the tree. The applicant informed the Councillor that it had been done six years ago, by a tree surgeon.

Councillor Mollie Lock informed the Committee that she had owned a similar tree at a previous property. In her experience if the tree was trimmed every year it would be substantially smaller and tighter and would not create the type of problem experience by Mr Jones. Richard Jones informed the committee that last time it cost him several hundred pounds and he couldn't afford to do this every year.

Councillor Argyle was interested to know what tree would be planted instead; the applicant said that he would work closely with the Tree Officer in finding a suitable replacement.

Councillor Tim Metcalfe, speaking as Ward Member, raised the following points:

- The specimen in question was multi-trunk, and should therefore be classified as a 'bush' not a tree.
- There were other trees situated behind it, and the greenery in the area wouldn't be reduced if the tree was removed.
- A number of other villagers in the area supported the removal of the TPO.

Councillor Alan Law enquired as to a positive reason for taking the tree down. Councillor Metcalfe declared that there was not a good reason to keep it. The removal of the tree would open up space, and the neighbours were in favour of removing it.

Councillor Royce Longton noted the previous comments, however he stated it was a very good tree, and with proper management and care the problem could be overcome. Therefore he proposed the officers recommendation.

Councillor Alan Law was intrigued to know how much pruning would be required to make the tree more manageable. Arthur Cullen (Senior Tree Officer) informed the Committee that it should be trimmed/pruned regularly to be kept in good condition. However he recommended reducing the overall size by no more than, 20-25%.

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In response to a further question from Councillor Alan Law, Arthur Cullen, Senior Tree Officer said that for a tree to create a 'legal nuisance' a third party would have to be involved. As the applicant was the owner of the tree it couldn't be classed as a 'legal nuisance'. Councillor Law enquired for the Tree Officers professional opinion on the best course of action. Arthur Cullen replied that if the tree was his, he would trim it down to the size it was six years ago.

Councillor Graham Pask told the committee that he had sympathy for the applicant; however, the tree was there before the applicant had purchased the property and the applicant bought the house knowing the tree was there. Councillor Pask informed the committee that he had the same problem with one of his trees; however it could and should be managed rather than having to remove the tree. For these reasons Councillor Graham Pask seconded Councillor Royce Longton's proposal.

Councillor Peter Argyle raised an opposite view, stating that common sense needed to be applied to the situation. The tree was causing a nuisance, and that the cost of upkeep for the applicant was considerable. The applicant, he noted, had agreed to replace the tree, and therefore Councillor Argyle proposed the removal of the TPO.

RESOLVED that the Head of Planning and Countryside be authorised to confirm the TPO.

29. Appeal Decisions relating to Eastern Area Planning

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

(The meeting commenced at 6.30pm and closed at 8.40pm)

CHAIRMAN

Date of Signature