

# DRAFT

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## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 11 APRIL 2018

**Councillors Present:** Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Alan Law (Vice-Chairman), Mollie Lock (Substitute) (In place of Alan Macro), Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Emma Webster

**Also Present:** Gareth Dowding (Senior Engineer), Jenny Legge (Performance, Research and Consultation), David Pearson (Development Control Team Leader) and Donna Toms

**Apologies for inability to attend the meeting:** Councillor Marigold Jaques and Councillor Alan Macro

#### PART I

#### 57. Minutes

The Minutes of the meeting held on 21 March 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

**Item 5. Appeal Decisions relating to Eastern Area Planning:**

Final sentence: Councillor Graham Bridgman asked that the sentence be amended to read the following, "However, he would check the governance process, and communicate that to Members of the Committee."

#### 58. Declarations of Interest

There were no declarations of interest received.

#### 59. Schedule of Planning Applications

**(1) Application No. & Parish: 17/03411/OUTMAJ - Land North Of Stretton Close, Bradfield Southend, Reading, Berkshire**

Agenda Item 4(1)) concerning Planning Application 17/03411/OUTMAJ in respect of an outline application for the proposed erection of 11 no. new dwellings; layout, means of access and scale to be considered on land north of Stretton Close, Bradfield Southend was deferred for further consideration.

**(2) Application No. & Parish: 18/00072/FULD - Kiln Cottage, Crookham Common Road, Brimpton, Reading Berkshire RG7 4TD**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/00072/FULD in respect of the demolition of an existing outbuilding and construction of a new single storey self-build dwelling utilising an existing access with associated parking and landscaping provided on site at Kiln Cottage, Crookham Common Road, Brimpton.

David Pearson introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. He drew particular attention to page 42, point 6.3 which detailed the impact on the Listed Building setting

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and the Conservation Area. In conclusion the report detailed that the proposal was unsatisfactory and a refusal was duly recommended.

In accordance with the Council's constitution, Ms Mary Cowdery, Parish Council, Mr Robert Hope, supporter, and Mr Richard Hunt and Mr Christopher Roberts, applicant/agent, addressed the Committee on this application.

Ms Cowdery in addressing the Committee raised the following points:

- The application was for a modest, two bedroom bungalow in a Conservation Area, near a Grade II Listed Building.
- The only objection to the application had been raised by the Conservation Officer.
- Ms Cowdery commented that the Conservation Area had been designated in 1971 and that the reasons for why certain areas had been chosen could no longer be found, nor was any guidance available.
- Applications must be in accordance with the Local Development Plan and part of this was the Core Strategy Policy. CS19, stated that a programme of reviews was being undertaken through the production of Conservation Area Appraisals (CAAs). Currently only two CAAs had been adopted, neither of which were Brimpton.
- The Parish Council were of the opinion that too much importance had been placed on the Conservation Area. It had already been compromised by the construction of four large houses to the north of the site, the demolition of a barn and the addition of two dwellings in 1974.
- When viewed from the road, passers-by would not be aware of the open-space on the site, they would only be aware of the cottage and its fence to the north. The fence looked like the edge of the property.
- It was the last and first property in the village to be seen, and was a pretty cottage in a pretty garden on a dangerous bend.
- The Parish Council disagreed with the Planning Officer's recommendation.
- In point 6.3 of the agenda report, the Planning Officer stated that the setting was an important element in Kiln Cottage's contribution to the character of the Conservation Area. She disagreed with this view, as the open space was not visible from the road.
- There was a good coverage of trees and vegetation which would conceal the property. This was a small-scale, infill development in a sustainable location.
- New development was needed to keep the village alive and was supported by the Parish Council.

Councillor Alan Law asked if Ms Cowdery thought there should not be a Conservation Area in Brimpton. She concluded that she was not sure why it had been designated, and would be happy not to have it.

Councillor Graham Bridgman directed the Committee to page 43, point 6.3.5, which referred to para.134 of the National Planning Policy Framework (NPPF). The Officer's emphasis was more on the potential, harmful impact on the designated heritage asset, than the Conservation area. Members were being asked to weigh the harm caused, against the public benefits of the proposal. He inquired what benefits the Parish Council believed would result from approving the application. Ms Cowdery reiterated that an extra home would mean a new family entering the village.

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Councillor Richard Crumly noted that The Willows and The Weavers were fairly new and substantial homes. Ms Cowdery confirmed that they had been built in 2004 and 2014 respectively. They were large four/five bedroomed homes.

Councillor Tim Metcalfe asked how many cottages had originally been on the site. Ms Cowdery confirmed that Kiln Cottage had originally been two cottages.

Mr Hope in addressing the Committee raised the following points:

- He was a resident of Brimpton Common. He believed that Mr and Mrs Hunt had been resident at Kiln Cottage for 40 years and were active members of the village community.
- The previous planning application on this site had been refused. However he was content that the legitimate concerns raised, such as the roof-line, screening, parking and turning, had been addressed.
- Being in a Conservation Area should not preclude development, and he was certain that this design would not detract from the character of the area. This was a sympathetic design, which was invisible from the road.

There were no questions from the Committee.

Mr Hunt in addressing the Committee raised the following points:

- He wished to retire and remain in Brimpton. If he were to be unable to build a property on this site, he would have to leave the village where he had lived since 1972.
- The single storey dwelling would be obscured by landscaping and the existing garage. It would not be seen from the road. The amenities of Kiln Cottage would be preserved.
- As the roof level was low and the ground level lower than that of Kiln Cottage, the residents of The Willows would only be able to see the top of the bungalow's roof.
- He and his wife had been the custodians of Kiln Cottage and believed they had designed a property that would retain the character of the listed building.
- They had commissioned a heritage consultant to consider the impact of the proposed dwelling on Kiln Cottage and he had concluded that it would not result in any harm to the heritage asset. Each property would retain one third of an acre of the garden and the driveway would remain the same. The open space to the rear of Kiln Cottage could not be seen from the road. The design accommodated four parking spaces for the new dwelling.
- The development would be of benefit to the village as a bungalow would meet the need of an ageing population and release Kiln Cottage onto the housing market.
- He disagreed with the Planning Officer's recommendation.

Mr Roberts in addressing the Committee raised the following points:

- He disagreed with the Conservation Officer's view of the impact of the new dwelling on the heritage asset, as it would not be visible from the road and there would be limited visibility from surrounding properties. The Heritage Statement had concluded that no harm would arise.

Councillor Law queried if the previous, refused application had impacted on the Listed Building setting to the same extent as the new proposal. He asked the applicant to explain how the bungalow mitigated the harm. Mr Roberts explained that the level of

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impact on the setting was subjective, even though there was guidance in the NPPF. It also depended which viewing point on the site was being considered.

Councillor Law understood that the proposed dwelling was lower and hidden, but there would be an additional property using the same driveway and therefore more vehicle movements. Mr Roberts answered that the car parking would be discreet and the traffic from the bungalow would be negligible.

Councillor Bridgman recalled the previous reasons for refusal had been that the dwelling was dominant within a Listed Building setting, and the impact on the setting itself. He asked what differed in the new proposal. Mr Roberts advised that the roof-line was lower. The experience of the open space altered, depending on where it was viewed from. There was already an out-building in the garden space.

Councillor Pamela Bale asked for clarification on the siting of the parking spaces. Mr Roberts explained that there would be two spaces behind the garage, accessed from the side, a third space inside the garage and a fourth space in front of the garage. Councillor Bale observed that the garage, currently used by the house, would in future be used by the bungalow. Mr Roberts asserted this was the case, however there would still be parking available to the front of Kiln Cottage for its residents.

Councillor Dominic Boeck, speaking as Ward Member, in addressing the Committee raised the following points:

- He had looked at the Officers report and saw two elements for consideration: the effect of the dwelling on the Conservation Area and Heritage Asset, and the effect on the community.
- The Parish Council had made a point about needing more families in the area.
- Brimpton needed modest, small-scale developments. The school roll was falling and the shop had closed.
- He asked what the harm would be of allowing the new development.
- The cottage was only viewed by vehicular traffic and there was no public right of way past the property. The residents and neighbours were the only people to enjoy the view of the open spaces.
- He urged Members to consider carefully the additional home that would be provided and the good that could come from it.

Councillor Emma Webster asked the approximate population of Brimpton and the speed limit near Kiln Cottage. Councillor Boeck answered 400 residents, and 30 miles per hour respectively.

Councillor Law noted that on page 43, point 6.3.8 the report used the wording 'preserve or enhance', and he noted that the NPPF used the phrase 'conserve and enhance'. He conjectured that the difference in emphasis might have some bearing on the application before the Committee.

Councillor Crumly observed that he would have expected a Conservation Area to be within a settlement boundary. He queried where, when and how Conservation Areas had been imposed. The Planning Officer explained that this was not uncommon, but did not have the rationale of why such decisions had been made in these cases.

Councillor Bale queried when the neighbouring properties had been built. David Pearson reiterated that The Willows and The Weavers had been built in 2004 and 2014 respectively. He also noted that there had been two planning applications on a site near the cottage. This site was inside the Conservation Area to the east of the site, opposite

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the war memorial. Two applications had been refused and dismissed at appeal due to the impact on the Conservation Area. However, he concluded that each application should be considered on its own merits.

Councillor Webster wished to clarify for Councillor Law that the phrase 'conserve and enhance', used in the NPPF para.134, related to the natural environment and reduction of pollution. The wording used in point 6.3.8, 'preserve or enhance', related to historic setting. David Pearson, also confirmed this was his understanding.

Councillor Mollie Lock inquired, assuming permission was granted, if the new residents of Kiln Cottage would be allowed to build a new garage under Permitted Development Rights. David Pearson explained that Officers would be recommending that these be restricted under Conditions, should the Committee approve the application.

Councillor Bridgman asked for clarification as to the division of existing parking between the new and existing properties. He wondered how Officers dealt with a situation where an existing property met car parking standards, but then the plot was sub-divided and parking was extracted for the new building. Gareth Dowding explained that he would be recommending a condition that parking should be shown on the plan to be approved before development. David Pearson further clarified that he would expect both dwellings to meet parking standards and that this might lead to more hardstanding than was currently in place.

The Chairman offered Officers the opportunity to clarify any important points to the Committee before they commenced the debate.

David Pearson observed that a Listed Building and its setting were part of a historic document. The issue was not necessarily what could be seen, but more the intrinsic value of the entire site. Councils had a statutory duty to protect Conservation Areas and heritage assets from harm. If the harm was 'less than substantial', there would still need to be very special reasons to allow development. Members would be weighing the harm against the benefits. Officers were of the opinion, that in this application the harm was sufficient to outweigh the benefit.

Debate of the item commenced.

Councillor Metcalfe indicated that he had arrived with an open mind. He remembered that during the discussion for the previous application, Members had questioned the two storey design and would have looked favourably on a bungalow. He did not consider that the rear open space was connected to the original cottages. He thought that the development would enhance the site by ridding it of an ugly out-building and bringing in a family. He was minded to approve.

Councillor Keith Chopping had no problem with the application. He had listened to the Parish Council and the leading light of the village, Mr Hope. He looked at sustainability of the development in the three areas of economy, environment and social: for economy, a new dwelling would be created which would benefit the village; for environment, an awful building would be replaced and for social, existing inhabitants would be able to remain in Brimpton. The gardens of both properties would be of a good size and the new home would sit comfortably on the site.

Councillor Chopping proposed to reject Officer's recommendation and grant planning permission. This was seconded by Councillor Webster.

Councillor Law took a wider view. He had lived in areas where the Parish Councils had been evangelical about the preservation of Conservation Areas. He also remembered Brimpton Parish Council objecting to a development as it was too close to the Conservation Area. He held the Conservation Officer in high regard and noted the need

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for the Council to protect these areas. He conjectured that if the Committee allowed this development, it would be setting a precedent. He opposed the motion.

Councillor Bridgman understood the positions of Councillors Chopping and Law. Officers considered the proposal harmful to the heritage asset, albeit less than substantial and therefore not axiomatic. There had to be more public benefit than harm to overcome the objection. He was very much on the fence.

Councillor Webster considered that the balance swung in the favour of public benefit. She asserted that the social benefit held most relevance. In this part of West Berkshire, with such a small population, one family might make a difference. The vast majority of motorists driving past the property would not be looking at the grounds of the cottage. She observed that to love and look after a Listed Building for 40 years was no mean feat, and that a couple who had cared for the property for so long would not wish to harm it. She appreciated that this might inspire further developments, but trusted in the decision making process.

Councillor Richard Somner noted that the Committee was required to look at the exceptions, and it was up to Planning Officers to push through policy. He noted that the Community Infrastructure Levy, raised by the development, would be of benefit to the community.

Councillor Crumly asked that the Conservation Area be revisited, along with others, for its relevance. He noted that new dwellings would enhance the area and join the new houses to the north.

The Planning Officer reminded Members that as the Local Planning Authority, they must make a decision in accordance with the Development Plan and Policy, unless other material planning considerations indicated otherwise. It was possible to set the plan aside for planning considerations, but not due to the personal circumstances of the applicant as this was not a material planning matter. The Committee's first duty was to support Planning Policy.

Councillor Somner agreed that he supported Officers in the work that they did to fulfil West Berkshire Council's policy. However, Members had a duty to weigh up Officers' recommendations and he believed that there had been tests put to the table to say that there was enough evidence to make an exception.

The Chairman asked Officers to devise conditions, should the Committee be minded to approve the application. The conditions agreed by the Officers and the Committee were:

- Three year commencement
- Materials
- Restriction of Permitted Development rights on fences, hardstanding and buildings
- Tree protection
- Working hours
- Construction management plan
- Visibility splay at the entrance to be 2.4m x 43 in each direction
- Bonded driveway up to 3m
- Standard car parking – plans to be approved
- List of plans to be approved

The motion was carried at the vote.

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

### Conditions

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).

2. The development hereby permitted shall be carried out in accordance with the approved drawing numbers 150, 151 and 153 received on 5 January 2018 and drawing number 152 Rev A received on 22 January 2018.

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

3. No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the dwelling and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026), West Berkshire Council's Supplementary Planning Document Quality Design (June 2006), West Berkshire Council's Supplementary Planning Guidance 04/2 House Extensions (July 2004) and the Village Design Statement for Brimpton.

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) Wheel washing facilities;
- e) Measures to control the emission of dust and dirt during construction;
- f) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policies TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and West Berkshire Council's Supplementary Planning Document Quality Design (June 2006).

5. No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

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Reason: To safeguard the amenities of The Willows and Kiln Cottage. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

6. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and 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 Planning Authority. No activities or storage of materials 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 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

7. No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

8. No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and 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.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

9. No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the junction of the access with Crookham Common Road. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

10. No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The dwelling shall not be occupied until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The



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parking and/or 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 adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

11. No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 3 metres measured back from the carriageway edge. As a first development operation, the vehicular access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access into the site is constructed before the parking area is brought in to use and to avoid migration of loose material onto the highway, in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006- 2026).

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority in respect of an application made for that purpose.

Reason: In the interests of respecting the historic character, appearance and siting of Kiln Cottage a grade II listed building and the surrounding conservation area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 of the West Berkshire Core Strategy (2006-2026), and West Berkshire Council's Supplementary Planning Document Quality Design (June 2006).

13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no fences, gates, walls or other means of enclosure (other than those expressly authorised by this permission) shall be erected within the curtilage of the dwelling hereby authorised by this permission without planning permission being granted by the local planning authority in respect of an application for that purpose.

Reason: To protect the open plan character of the setting of Kiln Cottage, a grade II listed building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), West Berkshire Council's Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Brimpton.

## **60. Appeal Decisions relating to Eastern Area Planning**

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

*(The meeting commenced at 6.30 pm and closed at 7.50 pm)*

**CHAIRMAN** .....

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