

# DRAFT

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, 5 SEPTEMBER 2018

**Councillors Present:** Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Sheila Ellison (Substitute) (In place of Richard Crumly), Marigold Jaques, Alan Macro, Tim Metcalfe, Richard Somner, Quentin Webb (Substitute) (In place of Graham Pask) and Emma Webster

**Also Present:** Jessica Bailiss (Policy Officer (Executive Support)), Gareth Dowding (Senior Engineer), Bob Dray (Team Leader (Development Control)) and Cheyanne Kirby (Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Richard Crumly, Councillor Alan Law and Councillor Graham Pask

*(Councillor Keith Chopping in the Chair)*

*(It was proposed and seconded that in the absence of the Chairman and Vice-Chairman that Councillor Keith Chopping should chair the meeting. At the vote the motion was carried)*

## PART I

### 22. Minutes

The Minutes of the meeting held on 25 July 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

**Application No & Parish Council: 17/03004/OUTMAJ, Land of South John's Church of England School, Mortimer Common, Reading, Page 25, penultimate paragraph:**  
Councillor Graham Bridgman requested that the paragraph be amended to read as follows: Councillor Bridgman referred to the local referendum regarding the adoption of the NDP and clarified that there had been a 50.1% turnout and an 88.88% vote in favour of the NDP.

**Page 26, Ward Member Representation, first bullet point, second sentence:**  
Councillor Bridgman requested that the sentence be amended to read as follows: Just over 50% of the community had turned out to vote regarding the NDP and 88.8% of them had voted in favour of its adoption.

**Page 26, Ward Member Representation, final bullet point, second sentence:**  
Councillor Bridgman requested that the sentence be amended to read as follows: Councillor Bridgman stated that there were residents who would preferably not see the development permitted in Mortimer, however it was a service village and the 44 affordable housing units would be of great benefit to the area.

**Page 23, Member Questions to Objectors, final sentence:** The Chairman clarified that he had asked Mr Marsh if he felt like he was part of a small minority opposing the site, rather than Mr Whitaker as stated in the minutes.

**23. Declarations of Interest**

There were no declarations of interest received.

**24. Schedule of Planning Applications**

**(1) Application No. & Parish: 18/01516/HOUSE - Grimms Dyke, Aldworth, Reading**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/01516/HOUSE in respect of the erection of a garden room with quiet room and WC/shower to the rear of the existing dwelling.

In accordance with the Council's Constitution Mrs Tracey Godsmark, Mr Clive Sturgess and Mr David Sheppard, objectors and Mr Shinkwin, applicant, addressed the Committee on this application.

Bob Dray introduced the report to Members of the Committee, which recommended conditional approval, and ran through the key points. He highlighted the previous appeal decision that had been dismissed for a similar proposal on the site, and a copy of which was included within the update report.

**Objector Representations**

Mrs Godsmark, Mr Sturgess and Mr Sheppard in addressing the Committee raised the following points:

- Mrs Godsmark stated that she had lived with her husband in Ashampstead for 34 years. She believed the dwelling (Grimms Dyke) as it stood was already overbearing.
- Mrs Godsmark questioned how planning regulations could ensure that there was adequate landscaping on the site.
- There was concern that the proposed outbuilding could be used for residential purposes in the future.
- The volume of the proposal was 29% larger than the proposal submitted in 2016, which had subsequently been refused at appeal.
- Mrs Godsmark stated that it would be easy for the outbuilding to be served by a separate driveway. She stressed that Members should not be misled in to thinking the dwelling would not be used in this way.
- Mr Sturgess lived at Foxborough, which was adjacent to Grimms Dyke.
- This was the fifth application that had been submitted for the location in three years. He was surprised that the application was being considered as a similar application had been refused at appeal in 2016.
- The proposed outbuilding would incorporate a quiet room and this had immediately set alarm bells ringing for Mr Sturgess. He was aware that the applicant was involved with teaching meditation and in his view the proposal would be used for this purpose.
- The original application had been submitted with a view to providing accommodation for the applicant's son and the use had changed with each application that had been submitted.
- Mr Sturgess felt that it was strange that the proposal incorporated a garden room despite it not benefiting from views of the garden.

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- The site which stood within an Area of Outstanding Natural Beauty (AONB) was already overdeveloped in Mr Sturgess's view. The house was overbearing and was out of keeping with the local landscape and architecture.
- Tree and shrubs had recently been removed from the site by the applicant, which had come as a shock to residents living nearby.
- Councillor Alan Law (Ward Member) had been asked to refer the application to the Eastern Area Planning Committee for consideration.
- Mr Sturgess felt that a professional landscaping scheme should be approved by the West Berkshire Council Planning Department before the application was considered.

### **Questions to Objectors from Members**

Councillor Emma Webster suggested that the objectors read conditions four and seven in the planning officer's report regarding residential annex use and landscaping. Councillor Webster asked if these conditions reassured the objectors regarding some of the comments that they had made. Mr Sturgess, Mrs Godsmark and Mr Sheppard confirmed that they felt the highlighted conditions would adequately deal with issues they had around residential annex use and landscaping.

Councillor Webster further queried where the photos had been taken from, which had been submitted to the planning department and shown during the objector's speech. Mr Sturgess confirmed that one of the photos had been taken from the road, prior to the trees and shrubs being removed. Mr Sturgess confirmed that one of the photos had been taken from the road, prior to the trees and shrubs being removed. Mrs Godsmark stated that the photos showed that the property had once been adequately secluded. Mr Sturgess stated that he used to have some fir trees that stood 40 foot tall at the end of his garden that backed onto Grimms Dyke. An engineer carrying out digger work for the applicant had cut through the roots of these trees and as a result they had fallen down.

Councillor Graham Bridgman referred to the volume increase stated by Mrs Godsmark. Mrs Godsmark reiterated that the proposal would be 29% larger in volume than the proposal that had been refused at appeal in 2016.

Councillor Bridgman stated that he had carried out some calculations and explained that two sides of the proposed building equated to 8090 metres and 7700 metres. The former plans for the application refused at appeal in 2016 had measurements of 9850 and 6070 metres. Councillor Bridgman struggled to see how there would be an increase in volume of 29%. Mrs Godsmark stated that her figures had been provided by a professional engineer. She admitted that she was not mathematically minded however stated that she did have details of the footprint figures from the engineer. The 2016 application had a length of 9.9 metres, a width of 6 metres and height of 5.1 metres and the present proposal had a length of 7.7 metres, a width of 8.3 metres and height of 4.3 metres. Mrs Godsmark added that her figures for the current application included the balustrade and overall calculated that there would be an 8% increase in footprint.

Councillor Bridgman noted that Mrs Godsmark's figures included the balustrade and this is why the figures differed to his own calculations. Mrs Godsmark stated that if the balustrade was excluded from the figures there would be an overall increase in volume of 25% from the previous application.

### **Agent Representation**

Mr Shinkwin in addressing the Committee raised the following points:

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- Various purposes were intended for the proposed ancillary building and none of these purposes were sinister.
- The garden room would also provide a room where his son could stay, as it would have wheelchair access. Mr Shinkwin added that his son had a job in London and was only required to be in the city four days per week. The proposal would offer his son suitable accommodation away from the city.
- Regarding landscaping, he was committed to having landscaping carried out and the spoil would create a screen.
- Mr Shinkwin had met with Mr Sturgess when the problem with the trees had occurred and he felt that Mr Sturgess's account of the matter had been completely exaggerated. The workman operating the digger had done so within the curtilage however, because the ground was largely chalk the roots of Mr Sturgess' trees had grown past the boundary into Mr Shinkwin's garden. Only one tree had fallen as a result of the work undertaken.
- Mr Shinkwin added that he had asked Mr Sturgess prior to the work if he had wanted any of his trees removed and Mr Sturgess had highlighted that he would have the ones at the bottom of his garden removed by his gardener. Mr Shinkwin stated that they had taken the trees down for Mr Sturgess.

### **Questions to Applicant from Members**

Councillor Marigold Jaques noted that Mr Shinkwin had said that his son would live at the proposed ancillary building three days per week and asked if this was correct. Mr Shinkwin explained that his son worked in Parliament and that the parliamentary terms could be likened to school terms. The aim was to provide his son with a quiet room as he was very sensitive to noise. Councillor Jaques struggled to see how Mr Shinkwin's son coped with London if he was sensitive to noise and Mr Shinkwin stated that he had no choice as that was where his job was located.

Councillor Alan Macro noted that the plans detailed a games room and queried why a shower was required for such a facility. Mr Shinkwin stated that this would provide his son with a bathroom when he stayed.

Councillor Tim Metcalfe had noted the site of a former garage at the site visit and asked if this had been pulled down as part of conditions. Mr Shinkwin confirmed that this had not been removed as part of conditions. He stated that they had contacted West Berkshire Council's planning department and had been advised that if they took the building down this would be factored into any planning applications in the future.

### **Member Questions to Officers**

Councillor Pamela Bale noted from what had been stated by Mr Shinkwin that the description of the proposal contained in the report was not correct as it did not mention residential use. Bob Dray stated that the application should be read as a whole, including the submitted plans as well as the description. He was satisfied that the description was not flawed and that overall what was proposed was sufficiently clear.

Councillor Bridgman noted in the update report that condition seven referred to application 153378 and that this differed to the number in the planning report. Bob Dray stated that update sheet should also refer to the planning application 153379.

Further to the question raised by Councillor Bale, Councillor Bridgman asked if the application had included a description of the proposal, which included residential use, if this would make a difference to the way Members considered the application. Bob Dray reported that the proposal was clearly presented as an ancillary outbuilding, and

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therefore it had been considered correctly. Such an outbuilding could be lawfully used for any purpose or activity provided it remained ancillary or incidental to the residential use of the main dwelling. Condition four stated that the building should not be used at any time for purposes incidental and/or ancillary to the residential use of the dwelling known as Grimms Dyke. If the proposal was used for purposes other than that stated in condition four then enforcement action could be taken. Bob Dray confirmed that he was satisfied that although the proposed building was detached it was within close proximity to the main house. There were controls that could be enforced if a material change of use occurred without permission.

Councillor Bridgman noted that the photos showed a mixture of gravel and grass leading up to where the proposed building would stand. Councillor Bridgman asked what would happen if the applicant decided to tarmac this and place a balustrade around it. He queried if this would breach any planning laws and if planning permission would be required. Bob Dray stated that hard standing could normally be provided to the rear of a dwelling under permitted development.

Councillor Macro referred back to the Inspector's appeal decision. There had previously been concern raised by the Council that the access leading to the proposed building could be used as a separate driveway and Councillor Macro asked how this had changed in the current application. There was concern that condition four would not prevent this from happening. Bob Dray stated that condition four was a standard condition used. The previous application had proposed that the building be positioned further away from the main house, which would likely have affected the Council's viewpoint on that particular application. From checking the 2016 planning report, Bob Dray confirmed that there had indeed been concern about the distance of the building from the main dwelling. This was something that was taken into account when considering if a proposal could be used as a separate dwelling and whether there was potential for conversion. Bob Dray stated that these concerns were not shared with the current application due to its close relationship with the main house.

Councillor Webster referred to condition four and asked if officers were satisfied that the building would be for ancillary purposes only now that the applicant had stated that one of the rooms would be used as a bedroom. Bob Dray stated that this kind of habitable accommodation would not be classed as an incidental use, but he was satisfied that the outbuilding was for ancillary use.

Councillor Quentin Webb noted from Mr Shinkwin's comments that the spoil would be used to change the topography of the area and queried if this would be covered by condition seven. Bob Dray stated that any significant creation of spoil would require planning permission. Bob Dray added that levels were shown within the plans. Regarding a condition on spoil, Bob Dray explained that a site as large in size as that being considered would have the ability to spread top soil across the area potentially without resulting in such an engineering operation, however through conditions it could be ensured that the level of any spoil deposited was acceptable.

Councillor Jaques noted from point 11 on page three of the Planning Inspector's appeal decision that there was concern that the previously proposed building could be used as a separate dwelling. Councillor Jaques asked how Members could now feel satisfied that conditions would prevent this from happening. Bob Dray stated that he was comfortable given the size of the building and proximity to the main house that the proposal was for ancillary use only.

Councillor Webster stated since the previous application in 2016, there had been changes made to the National Planning Policy Framework (NPPF) regarding enhancing the natural environment and asked Bob Dray if he was satisfied that the proposal

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adhered to these changes. . Bob Dray confirmed that he was happy that the application was in line with the revised NPPF, and in particular the great weight that should be applied to conserving the scenic and natural beauty of the AONB, which had remained the same.

### **The Debate**

Councillor Bridgman commented that the application should pose a reasonably straight forward decision. He did not feel however, that Planning Policy C6 was as well worded as it could be. The use of the building by the applicant's disabled son was not a critical factor in Councillor Bridgman's view and he also did not feel that the creation of a separate driveway was something Members should be concerned about. Councillor Bridgman felt that the critical factor was landscaping and he was happy to propose that Members accept the Officer recommendation to approve the application if a condition regarding landscaping was added.

Councillor Tim Metcalfe stated that he was happy to second Councillor Bridgman's proposal. The site had transformed over the years from what was once a chicken farm with a rodent issue. With this in mind he would have expected residents to support the new plans however he understood that the design of the site was out of character with the area. The outbuilding would be ancillary to the main dwelling and would be well hidden. Councillor Metcalfe could not find a reason to refuse the application.

Councillor Quentin Webb stated that he was also happy to support the proposal and felt that the conditions addressed the issues that had been raised. Councillor Webb had no issue with the landscaping if his suggestion regarding ground levels could be included to strengthen conditions.

Councillor Richard Somner concurred with what had been said and agreed that the condition referred to by Councillor Webb needed reviewing.

Councillor Webster stated that she was struggling with the application because she would have expected the intended use of the outbuilding to have been included in the description of the proposal. She asked Officers if they felt that condition four was strong enough now that they were aware that part of the building would be used as a bedroom. Councillor Webster's main concern was around enforcement action should it be required, and whether more detailed requirements should be added to the condition.

Bob Dray stated that in planning land use was the main concern, and the recommended condition was considered sufficient. It was considered that a condition seeking to govern the selling or leasing of the land would unreasonably interfere with proprietary right, and that absolute restrictions on trade were excessive given the increase in a working from home culture. The key consideration to ensure that any use remain ancillary or incidental to the residential use of the main dwelling was achieved by the condition.

Councillor Webster noted from the objectors' comments that the building could be used for meditation purposes and if this became a regular occurrence it would have more of an impact on the local area such as highways. Councillor Webster asked if Bob Dray was happy that the condition covered such an eventuality. Bob Dray confirmed that he was satisfied that the condition provided enough control and would prevent established events taking place. Sporadic events were unlikely to amount to a material change of use and would rarely be problematic. If events however became regular occurrences then a material change of use could occur which required planning permission. This would also amount to a breach of condition which the Council would then have ten years to enforce against.

Councillor Webb felt that there was still a condition required regarding the topography of the ground around the site. Bob Dray stated that condition eight covered the removal of

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spoil and condition seven covered landscaping. Councillor Webb was concerned that these conditions were still not strong enough. Councillor Bridgman suggested condition eight be amended to read 'or being brought into the development'. Councillor Somner concurred and felt that condition eight also needed to state 'the movement of soil'.

Bob Day recommended that the best way to deal with Members concerns would be to leave conditions seven and eight unaltered but add a ninth condition for the prior approval of existing and proposed ground levels.

The Chairman invited Members of the Committee to vote on the proposal put forward by Councillor Bridgman and seconded by Councillor Metcalfe and at the vote the motion was carried, with the addition of a condition requiring the prior approval of details of existing and proposed ground levels.

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

### **Conditions**

#### **1. Full planning permission time limit**

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.

#### **2. Standard approved plans**

The development hereby permitted shall be carried out in accordance with the approved drawings numbers 1 (Location Plan), 3 (Proposed Garden Layout), 5 (Proposed front elevation from Ashampstead Road), 6 (Block Plan), 7 (Floor Plan) and 8 (Section) received on 1 June 2018 and drawing number 4 (Proposed Elevations of new build only) received on 21 June 2018.

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

#### **3. Schedule of Materials (samples on request)**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building 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 (July 2018), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C6 of the West Berkshire Council's Housing Site Allocation Development Plan Document (2006-2026), Supplementary

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Planning Document Quality Design (June 2006), and the Supplementary Planning Guidance 04/2 House Extensions (July 2004).

### **4. Residential annex use**

The building hereby permitted shall not be used at any time other than for purposes incidental and/or ancillary to the residential use of the dwelling known as Grimms Dyke, Aldworth. The development shall not be used as a separate dwelling and no separate residential unit shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy C1 of the West Berkshire Council's Housing Site Allocation Development Plan Document (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).

### **5. Tree protection scheme**

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.

### **6. Tree Protection – Construction Precautions**

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.



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### **7. Landscaping**

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is 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 NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **8. Removal of spoil**

No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP5 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and West Berkshire Council's Supplementary Planning Document Quality Design (June 2006).

### **9. No development shall take place until details of existing and proposed ground levels (including any changes resulting from engineering operations and landscaping works associated with the development hereby permitted) 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: The development will generate a significant amount of spoil, and it has also been indicated that it is intended to use this spoil (and

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perhaps imported material) to alter ground levels and as part of the landscaping of the site. Owing to the steep rising landform and amount of spoil that may be used in this way, it is necessary to ensure that proposed ground levels do not result in incongruous landforms within this sensitive location of open countryside within the North Wessex Downs AONB. This condition is applied in accordance with the NPPF (2018), Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy, the North Wessex Downs AONB Management Plan 2014-2019, and Quality Design SPD.

### Informatives:

#### **1. Proactive actions of the Local Planning Authority**

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

#### **2. Damage to footways, cycleways and verges**

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. Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

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

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

*(The meeting commenced at 6.30 pm and closed at 7.43 pm)*

**CHAIRMAN** .....

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