

# 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, 26 AUGUST 2020

**Councillors Present:** Nassar Kessell (Substitute) (In place of Jeremy Cottam), Alan Law (Chairman), Tony Linden, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask and Richard Somner (Substitute) (In place of Joanne Stewart)

**Also Present:** Stephen Chard (Principal Policy Officer), Bob Dray (Development Control Team Leader), Kim Maher (Solicitor) and Linda Pye (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Jeremy Cottam and Councillor Joanne Stewart

#### PART I

#### 21. Minutes

The Minutes of the meeting held on 5 August 2020 were approved as a true and correct record and signed by the Chairman subject to the following amendments:

**Item 17 Minutes – 19/01172/OUTMAJ – Land North of The Green, Theale:** The Planning Officer confirmed that he was in agreement with the comments made by Councillor Alan Macro in relation to the drawing for the pedestrian crossing being removed from the conditions and the decision notice. This would now be dealt with as part of the s106 Agreement.

**Item 19(1) – Application No. 20/00674/FUL – Land to the South East of Mortimer Station, Station Road, Mortimer – Page 13, fourth bullet point:** 'NPD' should read 'DPD'. The last two sentences to be amended to read – Although it was on an identified site, Theale Green Primary School, which was also granted planning permission *despite being* outside the settlement boundary, was granted permission because it complied with policy and there was an identified need. He felt that *this* proposal in question would have a less urbanising effect.

#### 22. Declarations of Interest

There were no declarations of interest received.

#### 23. Schedule of Planning Applications

##### (1) Application No. & Parish: 20/01134/HOUSE - Greenfields, Burghfield

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01134/HOUSE in respect of a Section 73 Variation of condition (4) - garage use restricted of approved 18/01467/HOUSE – Erection of new garage with ancillary residential space on the first floor.

The Planning Officer advised that this application sought to vary condition 4 to allow an elderly relative to occupy the first floor of the now substantially constructed detached garage as a residential annexe to the main dwelling house at Greenfields. It had been referred to Committee by the Development Control Manager for consideration in light of

## **EASTERN AREA PLANNING COMMITTEE - 26 AUGUST 2020 - MINUTES**

the given justification for relaxing the restriction and recognising the size of the host dwelling and the fact that the intended occupant had resided in the host dwelling for some considerable time. Condition 4 restricted the use of the building as follows:

*'The garage hereby permitted shall be used solely for ancillary residential purposes incidental to the enjoyment of the existing dwelling known as Greenfields, Burghfield. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garage other than for purposes that are ancillary to the enjoyment of the main dwelling, nor shall it be used for additional bedroom accommodation or for any form of human habitation.'*

A revised floor plan had been submitted which showed that at ground floor level the garage would retain two enclosed parking bays with an enclosed staircase to the first floor. The first floor accommodation would provide a living space, a bedroom, a kitchenette and a bathroom. It was noted that the dimensions and appearance of the detached garage would not be altered as a result of the proposal.

The addendum to the Planning Statement highlighted that objectors had advised that the Applicant's mother had always lived at Greenfields and certainly for the last 20 years. The applicant had confirmed that this was correct and agreed that paragraph 2.3 of the Planning Statement could be regarded as misleading but the new building presented an opportunity to provide the Applicant's mother with her own accommodation which would enable all parties to enjoy a greater degree of privacy. However, it was felt that the fact that the mother had resided at the same address for some time supported the assertion that the annexe accommodation would be used as an intrinsic part of the existing dwelling.

The Planning Officer stated that the annexe was subordinate to the host dwelling which was a five bedroom property and it was felt that the detached garage would be acceptable as an annexe as it was modest in size and was in close proximity to the main house. Page 27 of the agenda set out revised conditions which would control the use of the garage building.

### **Ward Member Representation:**

Councillor Graham Bridgman, as Ward Member, stated that the fundamental question was, if this restriction was not justified two years ago, why had it been imposed?

This application was predicated upon the need for a granny flat for the Applicant's mother due to Covid, as set out in the original planning statement at 2.3:

*"With the Coronavirus outbreak, the Applicant had invited her mother to come and stay with them at Greenfields. Her mother was at higher risk from coronavirus and was following advice to self-isolate. They did not anticipate that her mother would return to living independently".*

That was the *raison d'être* behind this application.

That statement got tested, both by the objectors and by Councillor Bridgman, because it was indicated that, far from having moved in due to Covid, the Applicant's mother - Mrs Patricia M Gore - had been living there for at least 33 years. She was the Mrs P M Gore shown in the table of planning applications at 2.1 of the agenda pack, as the applicant for applications dating back to 1986. Councillor Bridgman referred to paragraph 6.4 of the agenda pack, where the agent had confirmed that, far from suddenly arriving due to Covid, the Applicant's mother had *always* lived at Greenfields.

Councillor Bridgman asked what justification there was to remove a planning restriction that had only been imposed in 2018 at a time when Mrs Gore senior had already been

## **EASTERN AREA PLANNING COMMITTEE - 26 AUGUST 2020 - MINUTES**

living there for over 30 years. He presumed that Planning Officers would have had a good reason to impose it two years ago, otherwise why would they have done so.

Councillor Bridgman felt that nothing had really changed. This was, and still was, a four bedroom, three bathroom property with three people living in it – the applicant, her husband and Mrs Gore senior.

If it was not necessary, or in the words of the condition, *imposed in accordance with the National Planning Policy Framework (March 2012), Policies ADPP6 and CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Parish Design Statement for Burghfield*, why had the applicant not appealed it in 2018?

### **Member Questions to the Ward Member:**

Councillor Richard Somner queried whether the main dwelling was a four or five bedroom property as the Planning Officer had stated that it was five and Councillor Bridgman had referred to it being a four bedroom property. Councillor Bridgman confirmed that he had referred to the planning history of the site and had looked at the plans in relation to the latest application. The Planning Officer responded that there was a study which could be used as a fifth bedroom.

In respect of the condition, this was a standard condition for outbuildings of this nature. If a specific proposal was brought forward then it would be considered on its own merits where both the physical and functional relationship would be considered. Nothing had changed in planning terms in respect of this application in that it was still a single family occupying the site. The Planning Officer was content that whilst the recommended conditions relaxed the restrictions of the specific use of the first floor, it maintained the core restrictions necessary to prevent a material change of use to form two dwelling houses.

### **Questions to Officers:**

Councillor Tony Linden referred to page 38 of the agenda and in particular paragraph 1.6 where it was noted that there would be no separate telephone or television connections to the annexe and he was concerned for the welfare of the applicant's mother. The Planning Officer stated that concerns for the welfare of an individual was not a planning matter.

Councillor Alan Law referred to page 22 of the agenda and queried why the issue around the postal address was a Highways matter. The Planning Officer responded that this was a common practice when an application was made for an annexe.

Councillor Richard Somner asked if Condition 4 applied to the whole unit. The Planning Officer stated that it would be an issue if someone ran a business or accepted deliveries from the unit but it would not affect home working which was becoming more common practice now.

Councillor Ross Mackinnon felt that as there had been some confusion over the living arrangements of the applicant's mother it was queried whether this application should be considered. The Planning Officer confirmed that planning permission went with the land after considering the merits of the case. Planning Officers had looked at the scale of the accommodation and whether it was subservient to the main dwelling. The key point of Condition 4 was that the annexe would only be used for purposes ancillary to the main house and therefore it could not be a separate planning unit.

Councillor Royce Longton asked if the Planning Officer felt that the conditions were adequate. The Planning Officer responded that Condition 3 in relation to the use of the

## **EASTERN AREA PLANNING COMMITTEE - 26 AUGUST 2020 - MINUTES**

first floor was key but he was of the opinion that the conditions had been set at the right level.

Councillor Alan Law queried why the Highways Officer had referred to the utilities in the consultation response and why had this not been included as a condition to the planning permission. Utilities had been mentioned in the Addendum to the Planning Statement and was an important issue. The Planning Officer stated that if Members were concerned about that then a condition could be included.

### **Debate:**

In considering the above application Councillor Richard Somner referred to a property local to him which had been turned into a commercial enterprise whereby rooms were rented out and he queried at what point did that apply to this property and who would enforce that. He had grave concerns that this particular property was the subject of planning creep and there was the issue around misleading information being given. Councillor Alan Law agreed that the planning history set out in the report did support that view.

Councillor Geoff Mayes had concerns about an elderly person accessing the first floor.

Councillor Graham Pask shared the concerns raised by other Members of the Committee as the site history was extensive. However, it was necessary to consider the application in planning terms – planning permission ran with the land rather than an individual. He agreed that a further condition would be useful in terms of the utility services to the unit. On balance he was proposing to support the Officer recommendation to grant planning permission subject to an additional condition in relation to utility services. This was seconded by Councillor Nassar Kessell.

Councillor Ross Mackinnon referred to the comment made earlier in relation to planning by stealth and he queried whether it would be possible to limit further development on this site. It was frustrating that this application had come relatively quickly after the previous one in 2018. The Planning Officer advised that the planning history was a relevant planning consideration and each application would need to be considered on its own merits. He confirmed that he was happy to include a condition in relation to utilities and services but this would not include the postal address. He also advised that if the application went to appeal then the Planning Inspector was usually satisfied with the conditions imposed by the local authority. However, any breach of those conditions would be an issue for Planning Enforcement. The Planning Officer did not have a concern regarding costs should the application be considered at appeal.

The Motion to support the Officer recommendation was put to the vote and approved.

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

### **Conditions**

#### **1. Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved drawings:

- (a) Drawing numbers 18005\_AL-SP-12 Revision P02, 18005\_AL-E-10 Revision P03 and 18005\_AL-P-10 Revision P01 (Proposed Roof Plan only) received on 29 May 2018 and the 1:1250 Location Plan and drawing number 18005\_AL-SP-11 Revision P01 (excluding Ground Floor Plan) received on 15 June 2018; all submitted pursuant to application 18/01467/HOUSE.

## **EASTERN AREA PLANNING COMMITTEE - 26 AUGUST 2020 - MINUTES**

- (b) Drawing number 2039/PL/04 Revision A, submitted pursuant to application 20/01134/HOUSE.

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

### **2. Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and application form of application 18/01467/HOUSE.

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

### **3. Use of first floor**

The first floor accommodation of the garage building shall be used only as an integral part of the existing dwelling, and for purposes ancillary and/or incidental to the residential use of the dwelling known as Greenfields, Burghfield. The first floor shall not be used as a separate dwelling unit, and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development, and respecting the character and appearance of the area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS1, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Burghfield.

### **4. Use of ground floor**

The ground floor of the garage building shall be used solely for purposes incidental to the enjoyment of the existing dwelling known as Greenfields, Burghfield. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garage other than for purposes that are ancillary to the enjoyment of the main dwelling, nor shall it be used for additional bedroom accommodation or for any form of human habitation.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development, and respecting the character and appearance of the area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS1, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Burghfield.

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

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

Councillor Alan Law thanked the Planning Officer for providing the summary of recent appeal decisions which was much appreciated.

*(The meeting commenced at 6.30pm and closed at 7.32pm)*

**CHAIRMAN** .....

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