

These Minutes have been amended. Please see Minutes of 16 November 2022 for amendments

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 26 OCTOBER 2022

Councillors Present: Graham Pask (Chairman), Alan Macro (Vice-Chairman), Jeremy Cottam, Tony Linden, Geoff Mayes, Richard Somner, Keith Woodhams and Joanne Stewart (Substitute) (In place of Ross Mackinnon)

Also Present: Bob Dray (Development Control Manager), Thomas Dunn (Principal Policy Officer), Lydia Mather (Team Leader, Development Control), Benjamin Ryan (Democratic Services Officer), Matthew Shepherd (Senior Planning Officer) and Beth Varcoe (Principal Solicitor)

Apologies for inability to attend the meeting: Councillor Alan Law and Councillor Ross Mackinnon

PART I

21. Minutes

The Minutes of the meeting held on 5 October 2022 were differed to the next meeting for approval.

22. Declarations of Interest

All Councillors present declared an interest in Agenda Item 4(1) but reported that, as their interest was a personal interest they determined to remain to take part in the debate and vote on the matter.

23. Schedule of Planning Applications

(1) Application No. & Parish: 22/01062/FULD - Shortheath House, Shortheath Lane, Sulhamstead

(All Councillors present declared a personal interest in Agenda Item 4(1) by virtue of the fact that members of the Chopping family and Mr John Cornwell (Agent) were known to them. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/01062/FULD in respect of the conversion and extension of an existing outbuilding to form a single dwelling.

Mr Matthew Shepherd (Senior Planning Officer) introduced the item and highlighted the key points in the report.

In accordance with the Council's Constitution, Mr Cornwell, Agent, addressed the Committee on this application.

Applicant/Agent Representations:

Mr Cornwell in addressing the Committee raised the following points:

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- That the core point of Policy C4 was to ensure that there were no adverse effects on the surrounding countryside and because the property was not visible to the public there would be no visual impact on the environment. This application could be considered as an exception to policy because the development would be hidden from public view.
- The original plans needed to be altered so they could facilitate a home office, which was seen as a necessity due to the increased need to work from home.
- That the addition of glazed windows would allow the original elevation to remain in view.
- The original planning approval removed the Permitted Development Rights, therefore the plan had to be changed to add the extension.

Members Questions to the Applicant/Agent:

Councillor Keith Woodhams wanted to understand why the hidden nature of the property equated to there being no environmental impact. Mr Cornwell replied that the policy's aim was to stop new developments having a negative impact on the area and that if the building was on the roadside it would have a detrimental visual effect on the environment, however because it was hidden this would not be the case.

Councillor Woodhams asked whether the applicant had taken advantage of the pre-application service, to which Mr Cornwell responded that he had tried to have discussions with the Planning Team after the last Committee, but had little to no response from Officers.

Members Questions to the Officers:

Councillor Macro expressed concern over the lack of response from consultees on the application and wanted to know whether there was a particular reason for this. Mr Shepherd explained that there was an error in the report and that it should have stated that the Ecologist had no objections subject to the provided conditions and that there was nothing else the other Officers would have deemed necessary to comment on.

Debate:

Councillor Graham Pask reminded the Committee that they could interpret policy within good reason, which would not set a precedent in the future.

Councillor Woodhams quoted several elements from the report. Firstly, on page nine, paragraph 5.6, it stated that the new plans failed to comply with criterion one of Policy C4, which explained that the plans were considered to include a substantial extension and alterations. Secondly paragraph 5.7 clarified that the proposal changed the overall form of the roof, which was considered a substantial alteration. Thirdly, paragraph 5.15 stated that the plans were considered not to comply with points one and five of Policy C4, which was written in such a way that all criteria had to be met and finally, on page 11, paragraph 5.21, the proposed development was not considered in keeping with the overall character of the area, as the proposal aimed to create a large dwelling of modern design, which was in contrast to the existing modest farmhouse building and rural aesthetic.

Councillor Jeremy Cottam highlighted that if there was just one change to the look of the property there could have been room for interpretation, however as there were several issues raised by Officers and because the Committee was policy led, he felt that he could not support permission for the planning application.

Councillor Jo Stewart expressed that she was not able to go on the site visit and therefore she had used Google Maps to understand the relationship of the property to the

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countryside. Councillor Stewart understood that the changes proposed were to accommodate home working, however the amount of changes put forward seemed to take advantage of this fact.

Councillor Tony Linden argued that even in the winter you would not be able to see the property due to the tree line and that the 0.8 metre increase in height was not a substantial change, on the other hand, the proposed windows were of a different character to the original building. Councillor Linden understood that the policy allowed for marginal change and would keep that in mind during the rest of the debate.

Councillor Richard Somner stressed that the Committee's reason for existence was to look at applications that could be an exception to policy and he believed that this application was a potential exception due to the hidden nature of the location. Councillor Somner was sympathetic to what the Applicant and Agent were trying to achieve and that this was an opportunity for the creation of a high quality dwelling.

Councillor Alan Macro argued that there were two clear changes that the Officers considered substantial and that the lack of visibility of the site was not guaranteed long term as a lot of trees were being lost to disease.

Councillor Somner responded that there was not a strict definition of substantial and that the Committee's purpose was to decide what the definition was. Councillor Somner stressed that the Committee had to make a decision on the facts as they were now, as the unpredictability of the future would prevent any decision being made.

Councillor Woodhams proposed to accept Officers' recommendation to refuse planning permission. This was seconded by Councillor Cottam.

Ms Lydia Mather wanted to know whether the derogation test from ecology could be delegated to Officers for an informative should there be an appeal, which was agreed by the Committee and Councillor Cottam also wanted an informative to be added to protect the tree on the land should this be necessary post a potential appeal. This was also agreed by the Committee.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Woodhams, seconded by Councillor Cottam, to accept Officers' recommendations to refuse the planning application.

RESOLVED that the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

Refusal Reasons

1. Principle of development and character of the area

Policy C1 of the Housing Site Allocations (HSA) DPD 2006-2026 gives a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to some forms of development listed in the policy, one of which is the conversion of redundant buildings. Policy C4 sets out criteria for conversions that qualify as exceptions in Policy C1.

The proposed development does not comply with criterion i. of Policy C4 due to the development including substantial extension and alteration. The proposed development includes raising the ridge height, a two storey extension to the south elevation and a sun room lobby running along the edge of the southern elevation.

The changes to the existing barn through alteration and extension would create a dwelling in the countryside that is not in keeping with the original character of the barn. Raising the ridgeline increases the height and bulk of the barn visibly changing the massing of the rural barn. Adding another gabled ended two storey development

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increases the floor space and built form of the barn, changing its existing physical appearance. The sun room element would add glazing which would alter the appearance of the building from an existing modest rural barn to a large dwelling of modern design. The cumulative impact of each of these extensions/changes is the loss of the rural nature of the existing barn. These changes have an adverse impact on the rural character of the existing building and site. The development does not comply with vi. of Policy C4.

The proposed development would have an adverse impact on the character of the existing barn. The proposed development is therefore not in keeping with the rural character of the area. The alterations and extensions to the barn create a large dwelling of modern design rather than retaining the modestly proportioned barn's character and rural aesthetic.

The proposed development does not comply with criteria i and vi of Policy C4. Policy C4 is written in such a way that each individually criteria must be met for the development to comply with the policy. The principle of development is not acceptable in accordance with Policy C4 of the HSA DPD, and is therefore contrary to the Council's strategy for locating new housing as set out in Policies ADPP1, ADP6 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C4 of the HSA DPD. The proposed development also conflicts with Policies CS14 and CS19 of the Core Strategy, and Policy C3 of the HSA DPD in terms of the harm to the character and appearance of the area

Informatives

1. The proposed development does not accord with the development plan policy for conversion of redundant buildings in the countryside and there are protected species on site and within the building. It is not considered that the proposal is for an imperative reason of overriding public interest (IROPI), and there is a satisfactory alternative (i.e. there is the option of doing nothing). As such the proposed development does not pass the first or second derogation tests of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc.) Regulations 2010. In the event of an appeal, this matter is drawn to the Inspector's attention, together with paragraph 5.28 to 5.36 of the report to the Eastern Area Planning Committee of 26th October 2022.
2. The application has been considered by West Berkshire Council and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.
3. In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve economic, social and environmental conditions of the area.

(The meeting commenced at 6.30 pm and closed at 7.10 pm)

CHAIRMAN

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Date of Signature