DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 11 SEPTEMBER 2024

Councillors Present: Denise Gaines (Chairman), Richard Somner (Vice-Chairman), Adrian Abbs, Jeremy Cottam, Alan Macro, Geoff Mayes, Justin Pemberton, Tony Vickers, Antony Amirtharaj (Substitute) (In place of Phil Barnett) and Clive Hooker (Substitute) (In place of Howard Woollaston)

Also Present: Bob Dray (Development Manager), Hannah Hutchison (Trainee Solicitor), Debra Inston (Team Manager - Development Management), Fiohn Menpes Greenslade (Senior Ecology Officer), Stephen Chard (Democratic Services Manager) and Sam Chiverton (Apprentice Democratic Services Officer)

Apologies: Councillor Phil Barnett, Councillor Martin Colston and Councillor Howard Woollaston

PART I

1. Minutes

The Minutes of the meetings held on 2 March 2022, 13 April 2022, 10 May 2022, 25 May 2023 and 9 May 2024 were approved as true and correct records and signed by the Chairman.

2. Declarations of Interest

There were no declarations of interest received.

3. Schedule of Planning Applications

(1) Application No. & Parish: 22/02538/FUL - Site of Former Cope Hall, Skinners Green, Enborne

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/02538/FUL in respect of a proposed new self-build, net zero carbon dwelling, with improvement of 2no. existing accesses and associated landscaping on the site of former Cope Hall residence.
2. Ms Debra Inston, Team Manager (Development Management), introduced the report to Members. She explained that the report had been referenced up to the District Planning Committee by the Development Manager following the decision of the Western Area Planning Committee to approve the application.
3. Approval of the application would be contrary to the Development Plan, the guidance in the National Planning Policy Framework (NPPF) and contrary to the appeal decision for a near identical scheme on the site.
4. The appeal had been dismissed by the Planning Inspector due to the harm caused to the rural character of the area, failure to comply with the Spatial Strategy and being contrary to the framework for the location of rural housing. This ruling was an important material consideration.
5. The Planning Inspector concluded that the site was isolated and the remains of a prior structure on the site was considered to be blended with the landscape. Further, the

application had no exceptional circumstances on which to grant approval, such as exceptional design. While the applicant had put much effort into the design, the Planning Inspector felt it caused harm due to its proposed form and its raised position. An exception to the Spatial Strategy could not be justified. The applicant had not taken the opportunity of taking their design to the Independent Design Review Panel.

6. The proposal for a net zero dwelling was noted, but the Planning Inspector concluded that this carried limited weight.
7. The appeal decision was taken only 15 months previous to this meeting and officers therefore felt that significant weight needed to be given to the findings of the Planning Inspector.
8. Taking into account all the relevant policy considerations and other material planning considerations, officers' recommendation remained to refuse planning permission for the reasons outlined in the report. The only exception being the removal of the ecology objection to the application. If the application was approved, ecology conditions were outlined in the update report.
9. The Committee could depart from officers' recommendation but such a decision would need to be based on clear and evidence based reasons.
10. In accordance with the Council's Constitution, Ms Sarah Watts, objector (on behalf of Mr Quentin Baer), Mr Peter Wilding, supporter, Mr Steve Woodward, Mr Richard Rowntree and Mr Vince Steele, applicant/agent/landscape architect, and Councillor Tony Vickers, Ward Member, addressed the Committee on this application.

Objector Representation

11. Ms Watts addressed the Committee. The full representation can be viewed on the meeting recording:

Member questions of the Objector

12. Members asked questions of clarification of the objector and received the following responses:

- Ms Watts explained that Mr Baer's property, Round Hill Cottage, was situated on Cope Hall Lane and directly overlooked the application site. Mr Baer did not feel his concerns could be overcome by conditions.
- Ms Watts added that development of the site, in Mr Baer's view, should only be considered if the proposal was of exceptional design.

Supporter Representation

13. Mr Wilding addressed the Committee. The full representation can be viewed on the meeting recording:

Member questions of the Supporter

14. Members asked a question of clarification of the supporter and received the following response:

- Fly tipping had always been an issue within the red line of the site and was not restricted to more recent times.

Applicant/Agent Representation

15. Mr Rowntree and Mr Woodward addressed the Committee. The full representation can be viewed on the meeting recording:

Member questions of the Applicant/Agent

16. Members asked questions of clarification of the applicant/agent and received the following responses:

- Mr Woodward explained that he had engaged with good professionals on the development and believed that the proposed design was exceptional. The proposal was not therefore taken to the Independent Design Review Panel. Mr Rowntree added that this was a costly and time consuming process which would have resulted in deferring the decision for some time. The individuals on the Panel would be similarly qualified to the professionals engaged on the proposed development. It was therefore felt that there was a strong case for bringing the application to Committee without consulting the Panel.
- Design was a subjective matter, a contemporary approach was taken with the design, but the proposed materials were in keeping with the character of the area. The site was naturally screened with limited views of the dwelling, meaning this was an ideal opportunity for a different approach to the design.

Ward Member Representation

17. Councillor Tony Vickers addressed the Committee. The full representation can be viewed on the meeting recording:

Member questions of the Ward Member

18. Members asked questions of clarification of the Ward Member and received the following responses:

- In response to concerns that Councillor Vickers was predetermined on this matter, he explained that he had voted in favour of the application at the Western Area Planning Committee. For this reason he had queried earlier in the meeting whether he needed to declare an interest but was informed this was not necessary.
- He considered that he was predisposed to the application but not predetermined. He had listened to the presentations with an open mind and would continue to do so until the debate on the application had concluded. This was particularly the case in listening to the views of the objector who had not made a representation at the Western Area Planning Committee.
- Councillor Vickers clarified that while nothing in the report had changed his view, he repeated that he was still considering the points that had been raised and would continue to be raised within the meeting. Therefore, he was predisposed rather than predetermined.
- Councillor Vickers supported the Council's planning policies and agreed the Local Planning Authority should be plan led. However, there were cases where the level of weight to be given to planning policy was a consideration with 'on balance' decisions.

Member questions of Officers

19. Members asked questions of clarification and received the following responses:

- Ms Inston explained that each application was determined on its own merits and therefore approval of the application, contrary to the officer recommendation and the views of the Planning Inspector, would not necessarily set a precedent. However, approval would be contrary to policy and could make it difficult to defend refusal of similar applications.
- It was recommended to the applicant, on several occasions, to consult the Independent Design Review Panel but this had not been taken forward. This would likely have added weight to the proposed design and could have been considered beyond the view taken by the Planning Inspector at appeal.
- Bob Dray, Development Manager, added the concern that the appeal decision was based on a near identical proposal and this scheme did not propose any changing material considerations.
- Ms Inston agreed that design was a subjective matter, however it could be broken down into a number of elements. The design needed to be exceptional and the Independent Design Review Panel, made up of the necessary subject experts, had an important role in making an assessment on the different elements of the application. Ms Inston acknowledged that concerns had been raised by the applicant on the cost and time consuming nature of this process, but explained to Members that the applicant was advised to undertake this process in April 2023 following the decision of the Planning Inspector.
- Buildings had previously been on the site but were demolished in the 1960s and were not therefore a consideration in making an exception to planning policy. Policy exemptions, including a proposal forming a closely knit cluster of ten or more dwellings, that was adjacent to a highway, and being infill within a plot, did not apply. Whether a site was brownfield or greenfield were not policy exemptions.
- Ms Inston concurred with the view of the Planning Inspector that aside from some brick foundations, the site had largely returned to nature and was considered an undeveloped plot.
- The term ‘closely knit’ was not defined and was a judgement. Mr Dray added that previous appeal decisions related to this matter had been carefully considered and officers were confident that this proposal could not be considered as closely knit.
- Officers felt that the conflict with policy could serve to undermine the Development Plan moving forward. There was also a risk of the Council incurring costs in the absence of any clear material considerations on which the Committee could approve the application contrary to the appeal decision.
- While the red line for the site had been altered, the proposal before the Committee had not. No changes had been made in relation to the concerns highlighted by the Planning Inspector.
- A condition could be imposed to ensure the maintenance of the woodland area even though it sat outside of the red line. This was possible as the woodland was in the ownership of the applicant.
- Design review panels differed from the architect panels of the past as they were formed by subject experts across many different fields.
- On several occasions (for separate sites), dwellings had been put forward as being of exceptional design and in some of these cases, the applicants had been referred to a design review panel. Improvements were often recommended as part

of this consultation and the majority of applicants would take this feedback on board to improve their application in striving for an exceptional design, with the scheme more likely to be recommended for approval.

- It was within the gift of the Committee to determine that the design was exceptional and approve the application. However, the appeal decision of the Planning Inspector concluded that the proposal was not of an exceptional design and it had not been taken to the Design Review Panel for further consideration. There was therefore no evidence to suggest that additional weight could be given to the design being exceptional. Regard needed to be given to the appeal decision which officers felt carried significant weight on which to determine this application. On this basis, officers felt that approval of this application carried risks, i.e. of incurring costs.
- The enabling of development within national policy concerned designated heritage assets and enabling conservation works to an asset. Officers felt that the positive impacts in terms of restoration to the brick foundations were limited and only carried limited weight.

Debate

20. Councillor Adrian Abbs noted the clear views from officers that the Planning Inspector's report carried significant weight in determining this application. It was rare for officers to reference up an application to this Committee.
21. The applicant had not consulted the Design Review Panel. If they had done so, and taken account of the feedback received, then that might have led to the application being recommended for approval. This was a route that the applicant could still follow. It was important that the Council remained a plan led authority and the necessary processes needed to be followed in seeking to align with that.
22. Councillor Alan Macro pointed out that the Panel might not have agreed that the design was exceptional. In his view, it was not exceptional and the proposal was contrary to Planning Policy and the NPPF. He did not feel there were reasons to go against the Council's policies in this case.
23. Councillor Clive Hooker clarified that he was not present when this application was determined by the Western Area Planning Committee. He had however attended the site visit. While he was impressed by the futuristic design, he did not feel it was exceptional.
24. Councillor Hooker commended the applicant for the positive elements of the proposal, such as it being a net zero carbon dwelling, but he considered this was the wrong location for this type of application.
25. He was concerned that approval of the application could lead to similar applications being brought forward that were also contrary to policy. Planning Policy served to protect both current and future residents and should be adhered to. Council approved these policies.
26. The Planning Inspector's decision added weight to the recommendation to refuse the application. Councillor Hooker concluded by stating that the Committee should not be influenced in their decision making by the potential for a Judicial Review.
27. Councillor Jeremy Cottam felt the application was in direct conflict with both Council and national policies that sought to protect the open countryside. He welcomed proposals to improve the site, but was of the view that the Design Review Panel should have been enlisted to provide an independent assessment on the quality of the design to help inform decision making.

28. Councillor Tony Vickers recognised that design was a subjective matter, however he considered the proposal to be an excellent design that had received much support. He did not consider the site to genuinely be in the open countryside, it was enclosed within a wooded area of land that needed management. The proposal would help to preserve its heritage aspects. Councillor Vickers felt that an exception should be made in this case, he considered that it would set a high standard of design that others could follow.
29. Councillor Vickers felt that the only harm caused by approval of the application would be going against policy.
30. Councillor Antony Amirtharaj stated that while he had considered the application at Western Area Planning Committee, he was considering it here with an open mind and had listened carefully to the points raised, in particular by the objector. However, he did not consider the proposal would have a detrimental impact, with ecology concerns resolved by conditions. Design quality was indeed subjective and many people could have different views. He felt inclined to support the application.
31. Councillor Hooker highlighted that the Planning Inspector and the Council's planning officers were professional planners. He was concerned should the Committee go against their expert advice. Planning policies were in place for the good of the district and he felt that Members only had a small level of tolerance in going against policy.
32. Councillor Richard Somner agreed that decisions made contrary to policy should be the exception. He felt that approval of this application would significantly go against policy and was contrary to the NPPF. The application and its proposed design had not been taken to the Design Review Panel to provide a view on whether this could be considered an exceptional design.
33. Councillor Somner proposed acceptance of the Officers' recommendation to refuse planning permission. This was seconded by Councillor Macro.

RESOLVED that the Development Manager be authorised to refuse planning permission for the following reasons:

1. Principle of development

The Housing Site Allocation Development Plan Development (HSADPD) was adopted by the Council on 9th May 2017 and is part of the development plan for the District. The HSADPD sets out policies for managing housing development in the countryside. This includes policy C1, which outlines that there is a presumption against new residential development outside of the settlement boundaries and lists some exceptions to this. The proposal dwelling does not fall under one of the exceptions listed.

Policy C1 states that in settlements in the countryside with no defined settlement boundary (such as Enborne), limited infill development may be considered subject to a set criteria. It is considered that the development fails to comply with all the bullet points of Policy C1. The dwellings along this area have open spaces between the dwellings, as such the dwellings cannot be viewed as a closely knit cluster of 10 or more existing dwellings.

Policy C3 sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard has been taken on the sensitivity of the landscape to the development being

proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.

The proposed new dwelling would be contrary to the National Planning Policy Framework and Policies ADPP1, CS1, CS14, CS17 and CS19 the West Berkshire Core Strategy (2006-2026), Policies C1 and C3 of the West Berkshire HSA DPD (2006-2006), and the Quality Design Supplementary Planning Document (2006).

2. Design and character of the area

The proposed development would result in the suburbanising effect on the open countryside. The introduction of a new built form which is overtly residential would result in a jarring relationship with the open countryside. The design of the development is not considered exceptional quality or innovative under the NPPF. The proposed dwelling is considered inappropriate in terms of the location, scale and design in the context of the character of the area.

The proposal scheme is contrary to the National Planning Policy Framework and Policies CS14 and CS19 of West Berkshire Councils Core Strategy 2006 -2026, policy C3 of West Berkshire Councils Housing Site Allocation DPD, West Berkshire Councils Quality Design SPD.

(The meeting commenced at 6.30pm and closed at 8.25pm)

CHAIRMAN …….

Date of Signature …….