

Note: These Minutes have been amended. Please see Minutes of 18 January 2017 for amendments.

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 7 DECEMBER 2016

Councillors Present: Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping (Vice-Chair, in the Chair), Richard Crumly, Sheila Ellison (Substitute) (In place of Graham Pask), Marigold Jaques, Alan Law, Alan Macro, Tim Metcalfe, Richard Somner and Emma Webster

Also Present: Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), Andrew Heron (Planning Officer), David Pearson (Development Control Team Leader) and Shiraz Sheikh (Principal Solicitor)

Apologies for inability to attend the meeting: Councillor Mollie Lock (Ward Member) and Councillor Graham Pask

(Councillor Keith Chopping in the Chair)

PART I

64. Minutes

The Minutes of the meeting held on 16 November 2016 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Item 61 (1): 16/02313/HOUSE – 8 Oregon Avenue, Tilehurst – first bullet point, second sentence:

The guidance did not define a secondary window, but officers worked on the principle that these were additional windows to a room over and above the principal window.

65. Declarations of Interest

During the course of the debate, Councillor Keith Chopping declared an interest in Agenda Item 4(1), but reported that, as his interest was a personal or other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Graham Bridgman and Keith Chopping declared an interest in Agenda Item 4(2), but reported that, as their interest was a personal or other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Emma Webster commented that in relation to Agenda Item 4(2), she would be considering the matter with a fair and open mind, regardless of the debate held and decision taken on this item at the Eastern Area Planning Committee held on 24 August 2016.

66. Schedule of Planning Applications

(1) Application No. & Parish: 16/02273/FULD - Green Gables, Tidmarsh Lane, Tidmarsh

(During the course of the debate, Councillor Keith Chopping declared a personal interest in Agenda Item 4(1) by virtue of the fact that he knew the Parish Council representative in a private capacity. As his interest was a personal or other registrable interest, and not a

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disclosable pecuniary interest, he 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 16/02273/FULD in respect of an application seeking to erect a replacement dwelling and five no. dwellings and associated works; demolition of Class B buildings and extinguishment of lawful plant storage and distribution operations; removal of hardstanding.

As part of the Planning Officer, David Pearson's introduction to the item he made reference to the emerging Housing Site Allocations Development Plan Document (HSA DPD) Policy C1: Location of New Housing in the Countryside. This contained a presumption that development and redevelopment outside of established settlement boundaries be opposed unless it was demonstrated that the proposal complied with the limited exceptions identified in the policy. The entire application site was located outside of the defined settlement boundary. Exceptions were limited to rural exception housing schemes, conversion of redundant buildings, housing to accommodate rural workers and extensions to or replacement of existing residential units.

Councillor Alan Law referred the Committee to paragraph 4.6 of the report where reference was made to the emerging HSA DPD and the fact that significant weight should be afforded to the document and its policies. Since the writing of the application report, the Planning Inspector's report on the HSA DPD, following Public Examination, had been received. This detailed no substantial changes to the document and this included Policy C1: Location of New Housing in the Countryside. Councillor Law queried therefore whether Committee Members could give greater weight to the HSA DPD. The Planning Officer confirmed this point.

Councillor Law then turned to section 6.9 of the report which covered sustainable development as identified in the National Planning Policy Framework (NPPF). This noted that the application would only achieve short term economic benefits during the construction phase and Councillor Law added that due to the proposal to remove industrial buildings, the economic capability of the site would be reduced. The application, if approved, would also have a negative environmental impact due to increased car usage. Based on these points, Councillor Law queried whether a lack of sustainability should have been included as a proposed reason for refusing the planning application. The Planning Officer acknowledged this point and agreed that this should have been included as a proposed reason for refusal for Members' consideration.

Councillor Graham Bridgman sought clarity on the point made in paragraph 7.1 of the report where reference was made to two areas which were currently immune from enforcement for their current uses. The Planning Officer confirmed that enforcement action could be taken for any non permitted use.

Councillor Bridgman queried the parking allocation detailed in the update report if permission was granted. Plot 1 would incorporate three car parking spaces, whereas a car port was proposed for plots 2 to 6 and Councillor Bridgman queried whether this would be conditioned. The Planning Officer confirmed that should permission be granted, the parking allocation would be a condition of approval.

Continuing with the update report, Councillor Alan Macro sought clarity on what was proposed to improve highways access and visibility. The road in question was narrow and there was insufficient room for cars to pass one another. Councillor Macro was also concerned for pedestrian safety, particularly at peak times. In response to these points, Gareth Dowding commented that the existing use of the site was underused. If it was used to its full permitted potential then there would be a greater level of traffic movement

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than with solely residential use and it would therefore be difficult to substantiate an objection to the application on these grounds. He added that some improvements were proposed to the visibility splay if permission was granted and this would be beneficial, and while more could be done to what was a national speed limit road, traffic speeds recorded were in general below the national speed limit.

Councillor Emma Webster noted that no comments had been received on the application from the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and queried whether any weight could be given to their non response. The Planning Officer felt that very little weight could be given in this circumstance.

In accordance with the Council's Constitution, Mr Colin Pawson, Parish Council representative, Mrs Deidre Cuthbert/Ms Franny Hornblow, supporters, and Mr Mark Leedale, applicant's agent, addressed the Committee on this application.

Mr Pawson in addressing the Committee raised the following points:

- The Parish Council was supportive of the planning application.
- The recommendation for refusal on Planning Policy grounds was acknowledged, but the Parish Council was of the view that refusal could lead to adverse consequences on site from increased industrial use that would be avoided by granting permission.
- The site was within the AONB. Mr Pawson commented that the Parish was protective of the AONB and would object to developments if they did nothing to enhance the area. This part of the AONB was not purely open countryside, it already consisted of eight residential dwellings and an industrial building. As such the site could be considered brownfield and an infill development, and the dwellings could be comparable to existing local dwellings, i.e. dwellings in Maidenhatch.
- The applicant had engaged fully with the Parish Council and local residents, and there was local support for a residential development.
- There had been local opposition to the industrial use on the site. The Parish Council had continued to object to the Certificates of Lawful Use issued for the site, as these were not compatible with the AONB.
- A decision to refuse this planning application was of concern. This could result in the industrial use of the site increasing as per the Certificates causing much negative impact, including increased HGV traffic. Increased traffic of this type would impact on road safety due to the narrow access road and absence of any footways.

Councillor Law noted from the committee report that Tidmarsh Parish Council objected to the mass and height of plot 1 and sought confirmation of that point following Mr Pawson's comments. Mr Pawson confirmed the view that the proposed dwelling height was a concern, but this was the only objection. However, he added that the principle of development was supported and matters in relation to design could be conditioned.

Councillor Law clarified that Committee Members could only consider the plans submitted with the application. Mr Pawson accepted this point.

Councillor Alan Macro queried the comment made in the report that construction traffic should access the site via Dark Lane rather than Tidmarsh Lane. Mr Pawson clarified that Dark Lane was a wider road with space for cars to pass one other.

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Councillor Pamela Bale referred to the approved Certificates of Lawfulness and queried whether the Parish Council had sought refusal of these. Mr Pawson stated that the Parish Council had consistently lodged objections to these applications.

The Planning Officer confirmed that Certificates of Lawfulness were not considered in the same way as planning applications and a decision to refuse a Certificate had to be evidence based. The Planning Officer added that he was very familiar with this site and explained that there had been insufficient evidence to refuse the Certificates of Lawfulness.

Mrs Cuthbert in addressing the Committee raised the following points:

- She explained that she was speaking on behalf of Maidenhatch residents.
- Mrs Cuthbert referred to the planning history of the site. A change to industrial use had been permitted from the previous agricultural use on the site some years ago, despite objections raised at the time. This had led to heavy and dangerous HGV traffic on local, narrow roads, which had to be endured by local residents. Another factor of this lawful use had been unpleasant odours.
- The proposed move from industrial to residential use was very pleasing and this development would be similar to that in existence in Maidenhatch.
- There were minor concerns in relation to design, i.e. the height of plot 1 could be reduced and the proposed facade on some dwellings could be altered. A condition was also being sought that the height of the boundary of the development would be maintained at a certain level. However, this development would be a major improvement on what was in place currently and Mrs Cuthbert felt that the minor issues could be resolved by planning conditions.
- Mrs Cuthbert was also pleased to note that the application proposed to remove the hardstanding and that approval of the application would greatly reduce the current HGV traffic.
- If this application was refused, Mrs Cuthbert was concerned that industrial use could increase, which would have a negative impact on the AONB.

Ms Hornblow in addressing the Committee raised the following points:

- Mrs Hornblow was the owner of Tow Acres and she was supportive of the application for the following reasons:
 - The proposed residential development and demolition of industrial buildings would dramatically enhance the look of the site and remove the unpleasant odours coming from the site.
 - The proposed design was in keeping with the surrounding area.
 - If the current usage were to continue and potentially be increased, then this would have a far greater negative impact when compared to the proposed application. There would also be a greater chance of road traffic accidents.

Councillor Bridgman repeated the point made by Councillor Law that the Committee were required to consider the plans before them and not a preferred variation. The height and scale of plot 1 had been highlighted as a concern by both the Parish Council and supporters, and Councillor Bridgman queried whether there was a view that the application should be refused for this reason. Mrs Cuthbert responded by saying that discussions had been held with the planning consultant who had expressed a willingness to make changes.

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Councillor Bridgman then referred to the comment made in relation to the boundary height and pointed out that unless trees in the vicinity were subject to Tree Preservation Orders, this was a matter for the property owners to do as they wished. Mrs Cuthbert accepted this point.

Mr Leedale in addressing the Committee raised the following points:

- If no improvement was to be made to the site then refusal of the application would be justified. However, it was critical to give regard to the current lawful use and its negative impact in this rural area. This was missing from the Officer appraisal of the site.
- The impact of the lawful use should be a material consideration. This use contained limited controls, i.e. no restrictions to hours of operation, level of noise impact, or on HGV traffic. While some of the industrial buildings on the site were currently dormant this could increase and increase the negative impact.
- Concerns in relation to plot 1 had been noted and Mr Leedale confirmed that the applicant was willing to redesign this property in conjunction with Planning Officers.
- Local residents were supportive of the proposals and weight needed to be given to the harm caused by the current use of the site. He therefore urged approval of the application.

Councillor Bridgman asked Officers whether the offer to redesign plot 1 could be considered by the Committee. The Planning Officer confirmed that this was a full application and Committee Members needed to determine the application put before them.

Councillor Webster queried whether, if this application was approved, the applicant could submit a Section 73 application to alter the design. The Planning Officer stated that no requirement could be placed on the applicant to do so, they would be able to implement the scheme in line with current plans if it was approved.

Councillor Tim Metcalfe, speaking as Ward Member, made the following points:

- This was a full planning application. If this was at the outline stage then the Committee could consider the application on an in principle basis, but this was not the case and concerns had been raised in relation to the design of plot 1.
- The view of the surrounding area from the site was very pleasing. The majority of buildings on the site could not be viewed from the road, from the AONB or by Maidenhatch residents, although he acknowledged that noise and odours were issues for those residents.
- The majority of the site was brownfield and Councillor Metcalfe supported the principle of development on the brownfield part of the site.
- Councillor Metcalfe's concern related to the proposal at the front of the site to demolish the existing bungalow and replace it with two dwellings on what was a property in the countryside. This would be out of keeping with West Berkshire Council's Policy for development in the countryside which only allowed for a like for like replacement of a demolished dwelling.
- He did not feel that the application should be refused as recommended, rather he felt the application should be deferred to give time to the applicant to take on board the comments made in relation to plot 1/the bungalow. The applicant's agent had given agreement to consider these points and Councillor Metcalfe felt

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that deferral would provide the time needed to resolve/improve the development planned on this part of the site.

Councillor Webster made the point that the HSA DPD - Eastern Urban Area (EUA) had a shortfall of 200 dwellings and approval of this application would contribute to that. Councillor Metcalfe explained that the Tidmarsh Parish fell outside of the EUA.

In considering the above application, Members considered the detail of the Certificates of Lawfulness. The Planning Officer clarified that the activities permitted by the Certificates were restricted, i.e. haulage use was restricted and a maximum of two HGVs and two trailers were allowed to be based at the site at any one time. A proposal for additional industrial activities on site would require planning permission.

Councillor Bridgman referred to the 2009 Certificate granted for the storage of plant equipment and queried whether the arrival/departure of associated HGVs etc was restricted. The Planning Officer confirmed there were no such restrictions.

Turning back to the 2001 Certificate, Councillor Bridgman queried whether this contained any restrictions to the number of vehicles parked on the site and accessing/egressing the site. The Planning Officer clarified that while there were no such restrictions, the nature of the site layout was self limiting.

Councillor Macro noted that this was a tempting proposal and, if approved, the development would be similar to the adjacent Maidenhatch development, however there could be a large number of similar sites in many areas of the District and Councillor Macro was concerned that approval of this application could set a poor precedent for other sites.

Councillor Law then made a number of points. The AONB consisted of more than just open countryside, it included settlements as well as commercial/industrial buildings and activities. It had already been noted that the current use of the site had a limited visual impact and the proposed housing would have a lesser impact. He agreed with the point made that approval of this application could set a precedent for similar sites elsewhere in West Berkshire.

Councillor Law continued by making the point that Officers had been clear that approval of this proposal would be contrary to the Council's planning policies (including development in the countryside) and while exceptions to policy could be agreed, exceptional reasons were needed for doing so. Councillor Law stated that he had not heard any exceptional reasons and therefore did not feel that the Committee should go against the Officer recommendation to refuse planning permission.

Councillor Law made reference to the time and effort taken in producing the Council's Core Strategy and HSA DPD. This included extensive consultation and the views expressed were taken into account when setting policy. He reminded Members that they had voted in favour of the new HSA DPD Policy for Housing in the Countryside and the requirements of this should be adhered to unless in exceptional circumstances.

Finally, Councillor Law referred to an appeal decision of the Planning Inspector for a similar site, issued on 7 December 2016. Comments were made as part of this that while the buildings on the site in question were not necessarily attractive, they formed part of the rural scene. The same could be said of the existing buildings on this site.

Councillor Law proposed acceptance of Officers' recommendation to refuse planning permission. This was seconded by Councillor Macro.

Councillor Richard Crumly commented that Officers had given a clear steer in terms of determining the planning application. This expert advice should be followed and permission refused.

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Councillor Webster felt this was not a straight forward decision. The proposal had gained strong support from local residents and the level of harm being caused by the current usage had been outlined by residents. Approval of the application would also contribute to housing numbers in the area. However, the Council's policies had to be given the necessary weight. She also reflected again on the absence of any comment from the AONB on this development. Based on the experience of development in the AONB in her own Ward, Councillor Webster had noted much commentary from the AONB.

Councillor Pamela Bale understood the concerns highlighted by the Parish Council and local residents. However, she also noted that there were very few dwellings located in this area and the issue of precedent was a factor should permission be granted.

Returning to the proposed acceptance of Officers' recommendation to refuse planning permission, it was agreed that an additional reason for refusal should be added to the proposal, i.e. that the development would not be sustainable due to the reduced economic capability of the site and would have a negative environmental impact with the absence of public transport and therefore increased car usage. It would not therefore confirm with the requirements of the NPPF.

The proposal was then put to the vote.

RESOLVED that the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

1. The application site consists of an existing dwelling and garden and an extended area to the south containing buildings and open land for commercial purposes covered by two certificates of lawful use. The site lies amongst open fields to the south of Tidmarsh Lane and lies within the North Wessex Downs Area of Outstanding Natural Beauty.

The proposed works to demolish the dwelling and buildings on site and erect a total of six substantial dwellings would almost double the size of the existing bungalow on the site and would significantly increase the visual bulk and massing of development in surrounding views. This would lead to the imposition of a large and highly conspicuous complex of built forms of suburban appearance within the open, rural landscape. The proposed scheme would therefore be contrary to the Core Planning Principles set out at Paragraph 17 of the National Planning Policy Framework (2012) which states that development must always seek to secure a high quality of design and recognise the intrinsic character and beauty of the countryside. It would further be contrary to Policy ENV23 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007 in that it is not sympathetic in scale or design to the character of the surrounding landscape, and to the requirements of emerging Policies C3 and C7 of the West Berkshire Council Site Allocations Development Plan Document (2015) due to its adverse impact on the setting of the existing dwelling within the wider rural landscape. It would also be contrary to the requirements of Policies CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012, which require that new development must demonstrate a high quality of sustainable design that respects and enhances the character and appearance of the area, and that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Furthermore due to their significantly increased visual impact the proposed replacement dwelling and the new dwellings would fail to either conserve or enhance the special landscape qualities of the North Wessex Downs Area of Outstanding Natural Beauty and therefore the proposed development is contrary to the requirements of Policy ADPP5 of the

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West Berkshire Local Plan Core Strategy (2006-2026) 2012 and of paragraphs 109 and 115 of the National Planning Policy Framework (2012).

2. The application site consists of an existing dwelling and garden and an extended area to the south containing buildings and open land for commercial purposes covered by two certificates of lawful use. The site lies amongst open fields to the south of Tidmarsh Lane and lies within the North Wessex Downs Area of Outstanding Natural Beauty.

The proposed works are to demolish the dwelling and buildings on site and erect a total of six substantial dwellings. The application is considered to fail to comply with the three dimensions to sustainable development as set out in paragraph 7 of the NPPF. Whilst the proposal might generate a short term economic benefit during the construction period, its overall economic impact would be negative due to the displacement of the businesses currently operating from the site. The proposal supports the social role by providing housing but it is negated by its location being remote from accessible local services and the failure of the scheme to provide a high quality built environment.

As set out in reason for refusal no. 1, the proposal is considered to have a significantly negative impact on the character and appearance of the local area and to fail to conserve and enhance the special landscape qualities of the NWDAONB. Accordingly it fails to comply with the environmental role of sustainable development by damaging rather than protecting or enhancing the natural environment.

(2) Application No. & Parish: 16/02600/FULEXT - Fairwinds, The Street, Mortimer Common

(Councillor Graham Bridgman declared a personal interest in Agenda Item 4(2) by virtue of the fact that he had held discussions with objectors to the application. As his interest was a personal or other registrable interest, and not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Keith Chopping declared a personal interest in Agenda Item 4(2) by virtue of the fact that he knew the applicant's agent in a professional capacity. As his interest was a personal or other registrable interest, and not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Emma Webster commented that in relation to Agenda Item 4(2), she would be considering the matter with a fair and open mind, regardless of the debate held and decision taken on this item at the Eastern Area Planning Committee held on 24 August 2016.)

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 16/02600/FULEXT in respect of a Section 73 application to remove condition 17 of approved application 15/02667/FULEXT – erection of 17 dwellings following demolition of existing dwelling and clearance of the site, alteration of the existing means of access off the street and associated landscape work.

The Planning Officer, Andy Heron, introduced the report and made reference to an appeal decision of the Planning Inspector on a site comparable with this application at Crookham House, Crookham Common. This appeal was allowed based on evidence that the development would be unviable if affordable housing was required. The Planning Officer felt that refusing this application to remove the affordable housing requirement would be difficult to defend at a potential appeal.

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Councillor Bridgman sought to clarify that the only changes to the planning application report/paperwork approved on 24 August 2016, other than the inclusion of the reasoning for the applicant wanting to remove the affordable housing requirement, was the removal of Condition 17, the inclusion of the appeal decision referred to by the Planning Officer and an updated Highways comment. The Planning Officer confirmed this to be correct.

In terms of the appeal decision referred to, Councillor Bridgman pointed out that the Planning Committee, when it considered this application, had accepted the Officer view that affordable housing could not be insisted upon. However, this acceptance was subject to the inclusion of a suitable overage clause should 'windfall' profits materialise. Therefore the appeal decision related to the overage clause and not affordable housing.

David Pearson explained that the appeal decision made reference to the general principle of viability of affordable housing as well as specifically mentioning the overage clause.

Mr Pearson added that the Committee could overturn the Officer recommendation to allow the removal of the affordable housing condition, but robust reasons were required for doing so. If these were not provided then the Council might need to pay costs at an appeal.

Councillor Webster questioned the relevance of including the appeal decision as the removal of affordable housing had been accepted by the Committee subject to the overage clause. She did not feel it enabled an equal comparison to this application.

In response, Mr Pearson repeated that the appeal decision made reference to the general principle of viability of affordable housing. Paragraph four of the appeal decision stated that 'if the (affordable housing) requirement means that the development is not economically viable, the application must be dealt with so that it becomes viable. In any other case, the affordable housing requirement must continue to have effect without modification or replacement.' This need to be economically viable could be applied to this application.

Councillor Pamela Bale made the point that West Berkshire Council and other local authorities had been criticised for not providing sufficient housing, including affordable housing. Therefore affordable housing needed to be sought wherever possible. Councillor Bale added the view that overage needed to be considered as part of the Council's planning policies, however she questioned at what level it would be appropriate to consider overage without affecting viability.

Councillor Bridgman made reference to an affordable housing presentation given by Officers to Planning Members in September 2016 wherein Members were advised that viability paperwork and debates would be public. He therefore queried the inclusion of Part II (exempt) paperwork in the agenda. Mr Pearson noted this point, but advised that there had been no change to date to practice in this respect with sensitive/financial information. In addition, the paperwork in question had been considered as Part II when the application was determined on 24 August 2016.

In accordance with the Council's Constitution, Mr Tony Butcher, Parish Council representative, Mr Andrew Clark, objector, and Mr Steve Smith, applicant's agent, addressed the Committee on this application.

Mr Butcher in addressing the Committee raised the following points:

- Stratfield Mortimer Parish Council's Planning Committee had discussed this application and were of the view that there should be affordable housing on this site. However, the Parish Council felt that a compromised position could be

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achieved with the affordable housing requirement reduced to a minimum of three affordable units rather than five.

- Mr Butcher accepted that the Eastern Area Planning Committee had to consider what was before them, but felt that the number of affordable housing units could be altered by the applicant and not completely removed.
- A difficulty with considering this application was the fact that information in relation to viability was exempt and a number of factors could impact upon viability.
- Mr Butcher pointed out that planning permission had already been granted for eight dwellings on this site and this was considered viable. He therefore did not understand why a development for 17 dwellings could not make provision for some affordable units.

Councillor Webster referred to the points made by the District Valuer that were outlined in the report. These stated that the inclusion of affordable housing would result in the development being unviable and she asked Mr Butcher if he felt this should be taken into account. In response, Mr Butcher accepted this but added that the level of profit that could be achieved by the developer took into account a number of factors and the detail to support this was exempt.

Councillor Bridgman asked Mr Butcher for his view on the housing market in Mortimer. Mr Butcher advised that the housing market was in a healthy position.

Mr Clark in addressing the Committee raised the following points:

- Permission was in place for eight dwellings on this site and this was considered to be viable. This application was for 17 dwellings and it was expected that a larger number would follow as part of a wider development in the area. Mr Clark was of the view that the access road to the wider development would make that unviable.
- Affordable housing was the matter for debate for this application, but Mr Clark felt that other issues remained of concern, most particularly access and the ability to make waste collections. He felt that the scheme was flawed.
- The Council's policy for affordable housing was in place for a reason. Primarily, it helped young people to access housing in the area.
- Mr Clark felt that the requirement for five affordable homes should remain and this should be insisted upon. He added that he would be disappointed should this requirement be removed as he felt that the decision made in August 2016 by the Planning Committee, which included the affordable housing requirement, was the right one.

Councillor Marigold Jaques sought clarity that this application was the first phase of a much larger development. Mr Clark confirmed this was his understanding. Councillor Jaques commented that the larger development could include provision for affordable housing.

Councillor Alan Law queried whether the phased development was a consideration with this application. Mr Pearson confirmed this item needed to be considered as a stand alone application.

Mr Smith in addressing the Committee raised the following points:

- The viability viewpoint in terms of affordable housing had been made clear and this had been endorsed by Planning Officers, i.e. an affordable housing provision was not viable for this application.

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- He sympathised with the concerns in relation to affordable housing and recognised there was a significant need for affordable housing. However, in some circumstances affordable housing was not viable, as was the case with this application.

Members then questioned Mr Smith on the issue of viability of affordable housing in general and in relation to this site/application. Councillor Law asked Mr Smith for his view on the level of profit that a developer would need to achieve from a scheme for it to be viable. Specifically he asked if a profit in the region of 18-20% was reasonable or excessive. Mr Smith explained that the profit margin to be achieved would depend upon the size of the development in question. Mr Smith did however add his view that an 18-20% profit was reasonable, but this level would be determined by the housing market.

Councillor Bridgman asked Mr Smith what had changed since the application for 17 dwellings with 5 affordable housing units was approved in August 2016. Mr Smith advised that principally nothing had changed, but the view on viability of schemes had worsened, property values had flat lined and costs had increased.

Councillor Bale queried whether the figures considered in terms of viability were based on today's prices or the value in three years time. Mr Smith confirmed that considerations were based on current valuations. He then made a comparison between the alternative development of eight dwellings, already approved without affordable housing, and this application for 17 dwellings. The proposed 17 homes would be smaller in size to the 8 and could be built at a lower cost, thereby making it a more affordable proposal proportionally in terms of build costs. Overall build costs of the two schemes would be very similar as would the level of financial return (exclusive of affordable housing).

Councillor Bale queried whether the applicant would be prepared to accept an overage agreement. Councillor Chopping commented that the potential for this did not form part of the application and could not be a consideration. Mr Smith commented however that an overage agreement could be considered for the fuller Mortimer development that was proposed at a later stage.

Councillor Richard Crumly noted that the applicant had a three year period in which to commence development from the date of the permission granted in August 2016. He therefore queried why the developer did not proceed based on approved plans, assess any changes in house prices over time and potentially return with this request if necessary at a later stage. Mr Smith responded by explaining that there was the option of implementing either of the two schemes approved for this site, but reiterated that the scheme for 17 homes would not generate a higher financial return than the scheme for 8 and was not viable with affordable housing.

Councillor Bridgman queried whether the scheme for eight dwellings would be taken forward as access would likely be an issue. Mr Smith stated that this scheme could be implemented by the applicant.

Councillor Bridgman, speaking as Ward Member, made the following points:

- The eight dwelling scheme approved for the site did not include any affordable housing and was purely to generate profit, and the developer was seeking to remove the affordable housing agreed for this application for 17 homes. Councillor Bridgman stated that affordable housing should remain a requirement for this planning application.
- In terms of the phased development point, the Stratfield Mortimer Neighbourhood Development Plan identified potential development of 110 homes on a Greenfield

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site adjacent to the plot for the application site. The same developer as for this application had given an assurance of 40% affordable housing.

- The access road for the application site was with a mind to the further, larger development.
- In terms of whether affordable housing was viable, Councillor Bridgman stated his disappointment that viability paperwork was not publicly available as this would have greatly aided debate.

Councillor Bridgman then made reference to the exempt information contained in Members' agendas and specifically referred Members to the developer's anticipated profit margins both with and without affordable housing. This information was confirmed in the Planning Officer's exempt report and had been provided by the developer in response to questions raised when the Planning Committee deferred this application in June 2016.

Councillor Bridgman stated his view that the level of profit anticipated, with the agreed affordable housing contribution included, was acceptable and therefore affordable housing was viable for this scheme and should not be removed. Councillor Bridgman proposed to refuse planning permission, contrary to Officers' recommendation, as he felt the scheme was viable with affordable housing included (based on the information provided by the applicant) and Condition 17 of the approved application (requirement for affordable housing) should not be removed.

Councillor Webster seconded Councillor Bridgman's proposal. She agreed that the information provided by the applicant in the exempt paperwork showed that affordable housing was viable for this application. Councillor Webster added that she felt there was a requirement for the Council's Governance and Ethics Committee to review the Constitution to enable access to viability information in the public domain in order to achieve greater transparency.

Councillor Law raised concerns with the viability argument put forward, which was an issue nationally. He also questioned the inclusion of the planning appeal document as this related to overage and not affordable housing, this did not therefore directly relate to this planning application.

Councillor Law felt that the information referred to in the exempt documentation showed that five affordable housing units would be viable and was a reasonable expectation of the developer for a development of this size. He was supportive of the proposal to refuse permission.

Councillor Alan Macro agreed with the views expressed and felt that increased costs to the developer which had materialised since August 2016 would not be excessive and would not impact on viability. He was however concerned at whether a decision to refuse could be successfully defended at an appeal.

Councillor Macro then queried why the appraisal contained in the exempt paperwork to help assess CIL requirements was not publically available. He noted that CIL payments were not payable on affordable housing and therefore an affordable housing contribution should still be sought.

Councillor Bridgman reiterated that his proposal to refuse planning permission was based on the information provided by the applicant on the level of profit they anticipated if affordable housing remained a requirement. It was Councillor Bridgman's view, which had been supported by other Members of the Planning Committee, that the developer's prospective level of profit (with the five affordable units included) was reasonable and made the scheme viable.

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Councillor Chopping voiced the concern that should the application be refused then the Council might incur costs at an appeal.

Mr Pearson explained to Members that the Council had engaged the District Valuer to assess the viability of this development with affordable housing included. The District Valuer had concluded that the scheme was unlikely to be able to provide any affordable housing on this site and remain viable.

Mr Pearson then reiterated the point he made earlier on this item that robust reasons would be needed on which to refuse this application. There would be a need at an appeal to defend these and provide evidence on how these reasons outweighed the views of the District Valuer who had been commissioned by the Council.

Councillor Jaques was concerned at the potential cost to the Council of an appeal and did not support the proposal for refusal.

Councillor Webster then proposed to suspend standing orders and move the debate into Part II with a view to clarifying points made by the District Valuer. The proposal was seconded by Councillor Bridgman.

Members voted in favour of suspending standing orders and moving the debate into Part II.

(The Part I meeting was adjourned at 8.40pm and Members entered into a Part II discussion).

Following the Part II discussion, Members formally agreed to return to Part I.

(The Part I meeting reconvened at 8.50pm and standing orders were reinstated).

The proposal of Councillor Bridgman to refuse planning permission contrary to Officers' recommendation (seconded by Councillor Webster) was returned to. The reason for refusal was due to the developer's prospective level of profit (with the five affordable units included) being at a reasonable level, making the scheme viable. Condition 17 of the approved application (requirement for affordable housing) should not be removed.

The proposal was put to the vote.

RESOLVED that the Head of Planning and Countryside be authorised to refuse planning permission for the following reason:

1. Based on the viability evidence provided by the applicant the Local Planning Authority believes that the prospective profit level is within a range where 5 affordable houses can be provided whilst providing a reasonable level of profit for the developer. Accordingly the proposal to remove condition 12 of planning permission 15/02667/FULEXT is unacceptable as it is contrary to the provisions of Policy CS6 of the West Berkshire Core Strategy 2006 - 2026 and Part 6 of the NPPF (March 2012).

67. Appeal Decisions relating to Eastern Area Planning

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

68. Site Visits

A date of 11 January 2017 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 18 January 2017.

(The meeting commenced at 6.30pm and closed at 9.00pm)

CHAIRMAN

Date of Signature