

Note: These Minutes have been amended. See Minutes of 8 February for amendments.

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 18 JANUARY 2017

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

Also Present: Jessica Bailiss (Policy Officer (Executive Support)), Stephen Chard (Principal Policy Officer), Sarah Clarke (Acting Head of Legal Services), Gareth Dowding (Senior Engineer), Bob Dray (Principal Planning Officer) and David Pearson (Development Control Team Leader)

Apologies for inability to attend the meeting: Councillor Alan Macro

PART I

72. Minutes

The Minutes of the meeting held on 7 December 2016 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Item 65 – Declarations of Interest, final paragraph:

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. **It was agreed that this applied to all Members of the Committee.**

Item 66(1) – 16/02273/FULD – Green Gables, Tidmarsh Lane, Tidmarsh – penultimate paragraph, final sentence:

It would not therefore conform with the requirements of the NPPF.

Item 66(2) – 16/02600/FULEXT – Fairwinds, The Street, Mortimer Common – third declaration of interest paragraph (as declaration of interest paragraph above):

*(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. **It was agreed that this applied to all Members of the Committee.**)*

Item 66(2) – 16/02600/FULEXT – Fairwinds, The Street, Mortimer Common – fourth paragraph, first sentence:

In terms of the appeal decision referred to, Councillor Bridgman pointed out that the Planning Committee, when it considered **the Crookham House** application, had accepted the Officer view that affordable housing could not be insisted upon.

73. Declarations of Interest

Councillor Emma Webster declared an interest in Agenda Item 4(3), but reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate.

74. **Schedule of Planning Applications**

(1) **Application No. & Parish: 16/02724/MINMAJ - Veolia Environmental Services, Padworth IWMF, Padworth Lane, Lower Padworth**

Agenda Item 4(1) concerning Planning Application 16/02724/MINMAJ – an application for a change of use to amend approved details to enable receipt of non-recyclable waste at the Household Waste Recycling Facility was deferred post publication of the agenda. This was to allow further time to consider the issues raised in a lengthy letter of objection, received from an interested party post publication of the agenda, and the application would return to Committee at a later date, most likely the next Committee meeting scheduled for 8 February 2017.

(2) **Application No. & Parish: 16/02725/MINMAJ - Veolia Environmental Services, Padworth IWMF, Padworth Lane, Lower Padworth**

Agenda Item 4(2) concerning Planning Application 16/02725/MINMAJ – an application for variation of condition (7) (hours of operation of planning permission 14/01111/MINMAJ) was deferred post publication of the agenda. This was to allow further time to consider the issues raised in a lengthy letter of objection, received from an interested party post publication of the agenda, and the application would return to Committee at a later date, most likely the next Committee meeting scheduled for 8 February 2017.

(3) **Application No. & Parish: 15/02842/OUTMAJ - Lakeside, The Green, Theale**

(Councillor Emma Webster declared a personal interest in Agenda Item 4(3) by virtue of the fact that her employer was a retirement and care home developer (extra care units). She did not however work for the extra care provider associated with this application, but wanted to raise this for clarification purposes. As her interest was personal and not an other registrable or a disclosable pecuniary interest, she determined to remain to take part in the debate.)

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 15/02842/OUTMAJ in respect of an outline application for a residential development of up to 325 houses and apartments (including 70 extra care units) with associated access, parking, amenity space and landscaping. All matters reserved.

Prior to the Planning Officer's introduction to the report, Councillor Graham Pask made reference to the need for Members to follow the speaking rights procedure outlined in the Council's Constitution. This required the Committee to move directly to representations from Parishes, members of the public etc following the Planning Officer's introduction. Questions to Officers needed to be held until all presentations had completed.

Bob Dray, Planning Officer, then introduced the report and highlighted the following points:

- This was a reserved matters application which required a decision from the Committee on the representations to be made at the planning appeal for this application and not to determine the application.
- The appeal had been lodged by the applicant on the grounds of non-determination of the planning application.
- The site would sit within the revised settlement boundary outlined in the Housing Site Allocations Development Plan Document (HSA DPD).

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- An affordable housing provision of 8.3% of the dwellings had been negotiated and this equated to 27 affordable units. This was satisfactory to the Council's independent viability consultants. While this percentage fell short of the Council's policy requirements, Planning Officers were also seeking a financial contribution to mitigate the impact of the development on education provision, as the development would require an extension to the new Theale Primary School. There was scope on the new school site to accommodate this extension.
- Officers' recommendation was to make representations at the appeal that planning permission should be granted subject to the conditions and planning obligations outlined in the report. These would form the Heads of Terms for the planning obligation.

In accordance with the Council's Constitution, Mr David Wood, Parish Council representative, and Mr Malcolm McPhail, applicant/agent, addressed the Committee on this application.

Mr Wood in addressing the Committee raised the following points:

- Theale Parish Council objected to this proposed huge development. It would increase the population of Theale by around 30%, change the character of the village and have a negative impact on local infrastructure, i.e. add pressure on the GP surgery.
- There were issues with the current sewer system and this would be exacerbated by this development.
- The proposed height of the extra care accommodation was concerning, particularly for an area that was adjacent to the Area of Outstanding Natural Beauty (AONB).
- Local roads already suffered from congestion and poor sight lines were a factor in some areas. Should the application be approved then mitigation measures would be needed to enhance pedestrian safety, i.e. a new pedestrian crossing. The speed limit should be lowered from 40mph to 30mph. The noise level of local roads would increase.
- Mr Wood added the point that the site had a lengthy planning history, but little development had taken place in that time.

In response to a query from Councillor Graham Bridgman, Mr Wood accepted that there was an extant permission on the site for the development of a higher number of houses, but pointed out that the Parish objected to that application also.

Councillor Bridgman then pointed out that as this was an outline application, matters in relation to building height would be considered at the reserved matters stage. This application was only seeking an in principle view. Mr Wood noted these points, but the concern remained in relation to the proposed building height. Councillor Graham Pask commented that the proposed building heights were given as maximum heights within the plans.

Councillor Alan Law made reference to the Heads of Terms outlined in the report. These included at point six the provision of pedestrian and cycle routes from the site to Station Road and Councillor Law queried whether this would resolve the Parish Council's road safety concerns. Mr Wood explained that this was not the area of concern, road safety concerns related to The Green.

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Councillor Tim Metcalfe queried Mr Wood's understanding of the number of extra care units. The report stated this as 70, but a figure of 40 had been mentioned. Mr Wood understood this to be 70, as outlined within the report.

Mr McPhail in addressing the Committee raised the following points:

- The planning history was explained within the planning report and Mr McPhail advised that this had resulted in the applicant seeking residential development. He added that the entire Lakeside site was in the control of a single party.
- The extant planning permission on the site did exist as a fall back position and this was for 350 dwellings. This could be implemented should this planning application be refused at appeal.
- The lower density application before the Committee was the preferred option. It constituted a complete solution for the entire site and included a higher number of family homes and 70 extra care units.
- Mr McPhail made it clear that it was the intention, post obtaining planning consent, to sell the site to a third party developer.
- Information on the viability of affordable housing provision (the 27 units) had been provided to Committee Members together with the view of the Council's consultants on this matter, Dixon Searle. Extensive discussions had been held with Dixon Searle.
- Decontamination costs for the site would be significant.
- In terms of the S106 education contribution being sought, the applicant had commissioned independent experts to consider this. A detailed report had followed and this gave the view that such a contribution would constitute 'double dipping' when considering the previous contributions that had been made for earlier planning applications for the site. CIL contributions would be made.
- The highways impact from this scheme was not significant.
- A landscape buffer was only required for some areas of the site.
- Mr McPhail was delighted to note the recommendation that representations be made at appeal for planning permission to be granted.
- Mr McPhail confirmed the figure of 70 extra care units. These would be located within a single apartment block.

Councillor Alan Law queried why approval of the access was not being sought with this application as with agenda item 4(4). Mr McPhail explained that this was based on the advice of the applicant's planning consultant, it was felt that access routes within the site could be subject to change.

Councillor Tim Metcalfe queried who would be responsible for the lake and its maintenance. Mr McPhail advised that it would be maintained by a management company. He added that the lake would be publicly accessible.

Councillor Mollie Lock read out a statement on behalf of Councillor Alan Macro, Ward Member for Theale, who had given his apologies for the meeting:

- The site was a prominent one on the edge of the village of Theale. It was separated from the North Wessex Downs AONB by the A340. It formed the setting to Theale when approaching from either the A4 from the Newbury direction or from the A340. A development of this edge-of-village location should provide a "soft

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edge” to the village, marking the change from AONB and countryside to the more suburban nature of this end of the village.

- The proposed development was not suitable for this edge-of-village location adjacent to the AONB because:
 - It was of high density.
 - It contained three, four and five storey accommodation blocks that would dominate views from approaches to the village and from the AONB. These multi-storey blocks were required to achieve the number of units in the proposal.
 - The proposed four-storey sheltered housing block would dominate views when approaching from the Newbury direction and from the AONB.
 - The proposed four-storey apartment blocks alongside the Theale bypass (A4) would dominate and block views into the site from this busy road.
 - Its layout was mainly of an unsuitable urban grid-pattern of roads.
- It would not therefore form the required soft edge to the village.
- The lake formed an important part of the site and its setting was very important. The proposed multi-storey apartment blocks on the south side of the lake were inappropriate as they would dominate the landscape and form a high and hard backdrop to views across the lake from the north and east.
- The proposed access to the anglers’ car park would provide a short cut for pedestrians from the proposed development to access The Green (to get to Theale Green School or the library, for example). This would be to the detriment of the amenity of residents of the housing alongside this unmade-up lane.
- Residents of the proposed four-storey apartment blocks adjacent to the Theale bypass would be subject to disturbance by significant traffic noise. Residents of the upper floors of these blocks would look out over the rail depots and associated industry on the other side of the bypass, as their windows would be higher than the trees screening the depots.

Councillor Pask then asked the Planning Officer whether he wished to comment on any of the points made within the presentations. Mr Dray made the following points:

- In terms of access being a reserved matter, the Planning Officer reiterated the points made by the applicant’s agent by stating that the applicant was looking to maximise the level of flexibility, particularly when the site had been sold. Therefore access was a reserved matter.
- The views expressed by the Parish Council in relation to the change that would result to the character of the area and the scale of the development were sympathised with, however it was necessary to compare this proposed development with the extant scheme. He added that the Council’s Landscape Consultant had been consulted on the proposal and their focus had been on making such a comparison.
- He confirmed that 70 extra care units were included in the application.

In considering the above application Members asked a number of questions of Officers.

Councillor Keith Chopping queried the existing permissions on the site. The Planning Officer advised that planning permission was in place for 350 dwellings on South Lakeside, this was approved at appeal by the Planning Inspector in September 2007.

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This permission had been lawfully implemented by virtue of the fact that the access road had been built to the site. A Lawful Development Certificate confirmed its lawful implementation. A development of 350 dwellings could therefore be implemented at any time.

A further permission was in place for seven dwellings on land south of St Ives Close, this formed the eastern parcel of North Lakeside and was again allowed at appeal. This permission was well within its timescale for implementation.

Councillor Bridgman commented that there was scope for details to change at the reserved matters stage from this outline application and the design was only indicative. He sought confirmation that this was correct. The Planning Officer stated that the submitted plans provided an illustrative indication of how the site could be developed, and that the parameters plans would fix the maximum extent of development and overall heights, but that the final design could change provided it did not go beyond those parameters. The Planning Officer added that the extant permission for 350 dwellings was a fixed scheme as this had been considered as a full planning application.

Councillor Bridgman then turned to the matter of viability of the affordable housing and queried whether the applicant would still be committed to this requirement at the full planning stage. He wanted to clarify that should the Planning Committee agree to make representations in support of the application at appeal for the outline application, that this would be based on the expectation that elements of the development, i.e. affordable housing, would be delivered once full planning permission was sought. The Planning Officer clarified that viability would be a material consideration at the reserved matters stage. Costs, i.e. for site works could be taken into account in the detailed design. The Planning Officer added that the current position on viability was based on a number of assumptions.

Councillor Metcalfe queried the parking allocation for visitors to the lake and where this would be positioned. Gareth Dowding advised that this was a reserved matter and detail on this point was unconfirmed. This would however be a consideration at the full planning stage.

Councillor Richard Somner was concerned that there was no guarantee that this outline application would materialise at the reserved matters stage, particularly when considering that implementation by the third party developer could ultimately be phased. The Planning Officer explained that should the development be phased then this would be reflected in conditions. He suggested that, if Members were minded to support the recommendation, an addition could be made to the resolution to request that any phased development be well planned with a master plan in place at the outset (i.e. accompanying the first reserved matters application). This would afford some protection for the development of the entire site in a piecemeal fashion.

Councillor Somner remained concerned as more than one developer could be involved over time. David Pearson sought to assure Members by explaining that Planning Officers had much experience of managing phased developments with different developers. Officers would work to ensure that a phased development was coherent and well managed.

Councillor Law supported the suggestion of a master plan for the site to help manage the phased development.

Sarah Clarke made the point that the Committee, if they accepted Officers' recommendation, would be delegating authority to Officers to secure conditions and this could include a master plan for a phased development.

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Councillor Law opened the debate by commenting that Officers had spent an extensive amount of time in complex negotiations for this site. Extant permission was also in place for 350 dwellings. He therefore proposed acceptance of Officers' recommendation for representations to be made at appeal that planning permission should be granted subject to the conditions and planning obligations outlined in the report, with the additional requirement that a master plan should be provided for the phased element of the development.

Councillor Chopping seconded the proposal. He added his view that the existing permission was not of a high quality and the outline proposal would be a significant improvement. Councillor Chopping felt that it was important that the requirement for an overage clause be included in the resolution text.

Councillor Peter Argyle commented that Theale was a village and the proposed development would alter its character. He sympathised with the concerns expressed by the parish, but the extant permission given by the Planning Inspector was in existence. He was therefore in reluctant agreement with the proposal.

Councillor Webster thanked the applicant's agent for his transparency. She commented that the potential development of this site had been ongoing for some time and it would be pleasing if this could be resolved. She was however disappointed that the decision would be taken at appeal and not determined at this local level. Councillor Webster also gave thanks to Officers for their extensive efforts in working on the development of this site.

Councillor Bridgman advised that he was familiar with this site as a Governor of Theale Green Secondary School. He reiterated the points already made on the importance of mitigating the impact of the development on education. This was a crucial element of the Heads of Terms.

RESOLVED that the Head of Planning and Countryside be authorised to make representations at appeal that planning permission should be granted subject to conditions and planning obligations to secure the following:

1. A contribution towards the extension of the new (to be constructed) Theale Primary School to enable the extension of the school by 0.5FE.
2. The provision of on-site affordable housing comprising 27 units of affordable housing, together with an overage clause to trigger a later stage viability review.
3. The provision and transfer to the Council (with commuted sum) of public open space.
4. A travel plan.
5. Improving the two nearby bus stops with the provision of fully enclosed bus shelters with high kerbing and relocation of the eastbound bus stop, with the footway to the westbound bus stop widened to 2 metres in width.
6. The provision of pedestrian and cycle route from the site to Station Road (running parallel and adjacent to the A4).
7. Provision of a pedestrian crossing facility within Station Road.
8. Secure master planning and phasing of the development at the first reserved matters application.

To authorise the Head of Planning & Countryside to enter into a legal agreement under Section 106 of the Town and Country Act 1990 to secure the above Heads of Terms.

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(4) **Application No. & Parish: 16/01846/OUTMAJ - North Lakeside, The Green, Theale**

The Committee considered a report (Agenda Item 4(4)) concerning Planning Application 16/01846/OUTMAJ in respect of a residential development comprising the erection of 25 dwellings with associated access, parking and landscaping works. Matters to be considered: Access.

Bob Dray, Planning Officer, introduced the report and explained that as with the previous agenda item, this application required a decision from the Committee on the representations to be made at the planning appeal for this application and not to determine the application. The appeal had been lodged by the applicant on the grounds of non-determination of the planning application.

The Planning Officer went on to explain that the proposed affordable housing provision on this site was in accordance with the Council's Core Strategy Policy CS6, with 40% of all dwellings on site being socially rented affordable housing. This equated to ten units.

Officers' recommendation was that representations should be made at appeal that planning permission should be granted subject to conditions and planning obligations.

In accordance with the Council's Constitution, Mr David Wood, Parish Council representative, addressed the Committee on this application.

Mr Wood in addressing the Committee raised the following points:

- Theale Parish Council objected to this application. He questioned this proposal for 25 dwellings as this exceeded the planning policy allocation of 15 dwellings, and an extant permission was already in place for seven dwellings.
- Access to the anglers' car park was another cause for concern. This was also used by pedestrians and it was an unsuitable road for increased traffic.
- Approval of the application would have a negative impact on local amenities, i.e. put additional pressure on the GP surgery.
- The site should be retained as green space.
- The lake was a safety concern that needed to be highlighted.

Mr Malcolm McPhail, applicant/agent, while not listed to speak, requested to do so. He stated that he had made this request within the required timeframe. However, Officers had no record of this at the meeting.

Councillor Graham Bridgman proposed suspension of standing orders to allow Mr McPhail to address the Committee. This was seconded by Councillor Emma Webster.

Members voted in favour of suspending standing orders.

Mr McPhail in addressing the Committee raised the following points:

- In reference to the comments made by the Parish Council, North Lakeside was, at an earlier stage, to be retained as a landscape buffer but this legal requirement had been removed. This was a relatively small area and the potential for a landscape buffer was limited. Open space requirements formed part of the larger 325 dwelling development.
- No policy objections had been raised to residential development in the Planning Officer's report. No highway objections had been raised.
- An extant permission was also in place for this site, but this would be replaced by this planning application (if approved) alongside the 325 dwelling development.

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- Mr McPhail made it clear that it was the intention, post obtaining planning consent, to sell the site to a third party developer.
- As stated in the report, education mitigation for this scheme would be through CIL.
- The application was in compliance with the Council's planning policy for affordable housing.
- Contamination was not a factor on this site.
- Mr McPhail was pleased to note the recommendation that representations be made at appeal for planning permission to be granted subject to conditions and provision of affordable housing. He hoped this would be supported by the Committee.

Councillor Alan Law noted that access was a matter for consideration with this application. He queried whether access to the anglers' car park via The Green would be separate from the access to the additional car park shown within the plans. Mr McPhail clarified that access to the anglers' car park would continue to be via the unadopted road coming off The Green. A separate access would be in place for the additional car park.

Councillor Bridgman sought to clarify whether the combination of this application and the 325 dwelling application was comparable, in terms of density, to the extant permission for 350 dwellings. Mr McPhail confirmed this was the case, but with the addition of affordable housing.

Standing orders were reinstated.

Councillor Mollie Lock read out a statement on behalf of Councillor Alan Macro, Ward Member for Theale, who had given his apologies for the meeting:

- The proposed access to the anglers' car park would provide a short cut for pedestrians from the proposed development to access The Green, Theale Green Secondary School and Theale Library. It would also be used as an access to the lake by non-residents. This would be to the detriment of the amenity of residents of housing alongside this unadopted lane.
- The lane had a rural appearance and the dwellings within it were mainly bungalows or 1.5 storey houses. The proposal sited two storey flats on the other side of this lane. These would be incongruous and out of character with the existing dwellings.

The Planning Officer then responded to the point made by the Parish Council representative in relation to a planning policy allocation of 15 dwellings on this site. This number had been within the emerging Housing Site Allocations Development Plan Document (HSA DPD) and this proposed housing allocation was informed by the advice of the Council's landscape consultant to have landscape buffers in place. However, the Planning Inspector's appeal decision for St Ives Close conflicted with this point which resulted in this proposed allocation being removed from the HSA DPD, the application site being placed within the proposed settlement boundary and thereby the principle of residential development would be regarded as acceptable.

This remained a matter of concern for the landscape consultant, but the Planning Officer advised that harm would be limited and therefore landscape objections were outweighed by the planning benefits of the proposal.

Turning to the matter of the access to the anglers' car park, the Planning Officer confirmed that this was as shown in the plans and could be used by pedestrians and cyclists. However, this was a positive point in some aspects from a planning perspective

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in providing alternative routes for pedestrians and a permeable design. He did not feel, based on its location, that this would be a particular concern when considering disturbance to residents.

Councillor Law queried whether restricted vehicular access to the anglers' car park should be a condition of approval. Officers confirmed that this could be subject to a condition.

Councillor Metcalfe made reference to the permission for seven dwellings at St Ives Close and queried whether the footpath was considered as part of that application. The Planning Officer commented that while the footpath was shown within plans it did not form part of the considerations of that application.

Councillor Pamela Bale referred to the point made as part of the previous agenda item that the lake would be maintained by a management company. She noted, from paragraph 5.14.1 of the report, that provision and transfer of open space (with commuted sum) would need to be secured through a planning obligation and queried whether this applied to the larger application. The Planning Officer explained that inclusion of the lake in the public open space was considered at the previous appeal for the full Lakeside site. While the open space remained a point for reserved matters, there was a requirement on the developer to provide open space due to the number of dwellings proposed and the Council's position was therefore robust on this matter.

Councillor Bridgman agreed with the suggestion that vehicular access to the anglers' car park should be restricted via a coded, gated access which would block any other access.

Councillor Bridgman then commented that he could see the merits of this application and felt there were no planning objections on which permission could be refused. He therefore proposed to accept Officers' recommendation to make representations at appeal that planning permission should be granted subject to conditions and planning obligations. This was seconded by Councillor Webster.

Councillor Law added his support to the proposal. He was pleased with the affordable housing provision.

Sarah Clarke sought to confirm whether Members wanted to add to the proposal a request to negotiate a condition to restrict vehicular access to the anglers' car park via a coded gate to anglers only. Councillors Bridgman (proposer) and Webster (seconder) were content with this addition.

RESOLVED that the Head of Planning and Countryside be authorised to make representations at appeal that planning permission should be granted subject to conditions and planning obligations to secure the following:

1. The provision of on-site affordable housing comprising ten units of affordable housing.
2. The provision and transfer to the Council (with commuted sum) of public open space.
3. The addition of a condition to restrict vehicular access to the anglers' car park at the end of The Green to anglers only.

To authorise the Head of Planning and Countryside to enter into a legal agreement under Section 106 of the Town and Country Act 1990 to secure the above Heads of Terms.

75. **Appeal Decisions relating to Eastern Area Planning**

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

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76. Site Visits

A date of 1 February 2017 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 8 February 2017.

The Chairman and Vice-Chairman gave their apologies for both the site visit and the Committee meeting. Councillor Alan Law was nominated to chair the site visit.

The appointment of Chairman for the Committee meeting itself would be the first item of business on the agenda.

(The meeting commenced at 6.30pm and closed at 8.12pm)

CHAIRMAN

Date of Signature