

Note: These Minutes have been amended. See Minutes of 22 March 2017 for amendments.

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 8 FEBRUARY 2017

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

Also Present: Gareth Dowding (Senior Engineer), Andrew Heron (Senior Planning Officer), Charlene Hurd (Democratic Services Officer), David Pearson (Development Control Team Leader) and Shiraz Sheikh (Acting Legal Services Manager)

Apologies for inability to attend the meeting: Councillor Keith Chopping, Councillor Alan Macro and Councillor Graham Pask

PART I

77. Election of the Chairman

In the absence of the Chairman and Vice Chairman of the Eastern Area Planning Committee, Members **RESOLVED that** Councillor Alan Law be appointed as Chairman of this meeting only.

78. Minutes

The Minutes of the meetings held on 18 January 2017 were approved as true and correct records and signed by the Chairman subject to the following amendments:

Special meeting

Page 5 - Items 69 (Declarations of Interest) and 71(1) (15/02842/OUTMAJ): Councillor Emma Webster stated that she **did not** have an interest in the application and wanted this clearly documented within the minutes.

Main meeting

Page 7/8 – Items 73 (Declarations of Interest) and 74(3) (15/02842/OUTMAJ): Councillor Emma Webster stated that she **did not** have an interest in the application and wanted this clearly documented within the minutes.

Page 13 – Item 74(3) (15/02842/OUTMAJ) - Paragraph 5: Councillor Bridgman advised that he was familiar with this site as a *former* Governor of Theale Green Secondary School.

79. Declarations of Interest

Councillor Emma Webster declared an interest in Agenda Item 5(1), and reported that, as she had predetermined the planning application, she would be leaving the meeting during the course of consideration of the matter.

Councillor Tim Metcalfe declared an interest in Agenda Item 5(1), but reported that, as his interest was a personal or a other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

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Councillor Richard Crumly declared an interest in Agenda Item 5(2), but reported that, as his interest was a personal or a other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter

80. Schedule of Planning Applications

(1) Application No. & Parish: 16/01947/OUTMAJ - Stonehams Farm, Long Lane, Tilehurst, Berkshire, RG31 5UG

(Councillor Emma Webster declared an interest in Agenda Item 5(1) by virtue of the fact that she had already commented on and predetermined the planning application through the DPD process and also generally. She would not therefore be taking part in the consideration of the matter and would take no part in the debate or voting on the matter other than to address the Committee as Ward Member.)

Councillor Tim Metcalfe declared an interest in Agenda Item 5(1) by virtue of the fact that he supplied hay to a person currently using the site, but reported that, as his interest was a personal or a other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillor Emma Webster left the meeting.)

The Committee considered a report (Agenda Item 5(1)) concerning Planning Application 16/01947/OUTMAJ in respect of a residential development of up to 15 dwellings, and the creation of a new woodland belt on the northern boundary.

In accordance with the Council's Constitution, Mrs Jean Gardner, Parish Council representative, Mr Richard Churchill, objector, and Mr Tim North, applicant/agent, addressed the Committee on this application.

Mrs Jean Gardner in addressing the Committee raised the following points:

- The site appeared unkempt and would benefit from being tidied up but there were still concerns raised regarding the proposed development on this section of land.
- Access to the site was better in its current position and not in the proposed location.
- The development would have an adverse affect on the local wildlife and introduce unwanted light pollution. Why would the applicant consider developing within the Area of Outstanding Natural Beauty (AONB).
- Local schools and health services were already stretched and would not cope with the increase in local population – financial contributions would not address this issue.
- There were concerns about the impact on adjoining ancient woodland.
- It appeared that Members would not be happy until Tilehurst became a concrete jungle and she urged them to leave some greenery behind.

Councillor Tim Metcalfe asked whether Mrs Gardner had seen the contour plan, provided within the update report, which suggested that the entrance road was level with the site. Mrs Gardner stated that the entrance road was positioned lower than the site which resulted in pooling when it rained - she was confident that this was the case due to her local knowledge.

Mr Richard Churchill in addressing the Committee raised the following points:

- He spoke on behalf of all objectors to this application.

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- He thanked Members and Officers for providing him with the opportunity to address the Committee – he felt that the Committee had a tough job to determine this application which was not helped by the inaccurate information provided by Officers.
- The application had been submitted prior to the outcome of the Housing Site Allocations Development Plan Document (HSA DPD) and this should be a reason for refusal.
- Paragraph 216 of the National Planning Policy Framework (NPPF) had been incorrectly interpreted by Officers and so the proposal was unlawful and invalid.
- The Officers' report only addressed two of the three points listed within paragraph 216 of the NPPF:
 - 'The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)'
- Case law (Hopkins Homes Ltd Vs SSCLG) highlighted the High Court Judgment that all three points within paragraph 216 of the NPPF should be considered fully.
- An application for residential development on the adjacent site had been approved and would result in an increased strain on existing services. The design and layout of this application site was poorly considered and would increase the demand on local services even further.
- His home was positioned along the eastern boundary of the application site and yet Members declined the offer to visit his home during the site visit. He suggested that Members could not appreciate the impact the development would have on his home unless they had visited him.
- The development would negatively impact his quality of life and breach his human rights.

In response to questions asked by Members, Mr Churchill stated that Officers had listed the key points within paragraph 216 of the NPPF but had failed to adequately consider all of them through the course of their report.

Mr Tim North in addressing the Committee raised the following points:

- The Government had issued a White Paper regarding the demand, diversity and delivery of homes to meet the increasing housing needs in England. This reinforced the importance of the application in front of Members this evening.
- The current land owners were not property developers.
- There was evidence to show that applications for sites within the DPD, submitted whilst the DPD was under development, were still given significant weight. It was important to continue addressing ways to meet the housing need through the allocation of land so that shortfalls were avoided.
- The applicant had issued supporting information to satisfy points raised in response to Policy - Housing Site Allocations 9 of the DPD.
- The site was not within a flood plain and the proposed design measures were intended to manage the ecological impact and Sustainable urban Drainage Systems (SuDS).

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- Access to the site had been considered in line with the highways requirements. Also, access to services and travel had been considered.

In response to questions raised by Members, Mr North advised that the access to the site had been considered in conjunction with advice from the Local Highways Authority, highways consultants and the landowner.

The impact on local services through the introduction of new residential sites was a national issue and yet there was a clear emphasis on the need to meet housing demands. The proposal was to deliver a maximum of 15, predominantly family, homes and this was a small application in the context of a national issue.

Councillor Pamela Bale asked whether there was a pavement on Long Lane leading to the bus stop. Mr North advised that the bus stop was within a reasonable walking distance but that there was no pavement along the lane. Mr North stated that drivers using Long Lane would know to drive slowly and take extra care when using the narrow road.

Members noted that the Royal Berkshire Fire and Rescue Service (RBFRS) response was concerned about the lack of access to mains water supply. Mr North advised that they would look to resolve this matter if the application was approved.

Councillors Tony Linden and Emma Webster, speaking as Ward Members, in addressing the Committee raised the following points:

- Councillor Webster stated that she was interested to read that the housing site had been approved for fifteen properties and yet the current application was for thirteen homes. She was concerned that a further two properties could be added to the design after the application had been considered at Committee.
- An application to develop on adjoining land had been delayed due to issues related to the drainage design. Information had recently been issued in response to these concerns but due to the earlier delays, it was received outside the public consultation period.
- A nearby site had been removed from the DPD due to the known flood risk in the area.
- She was concerned to read that matters concerning parking and walking routes would not be considered until the reserved matters stage.
- Design and access were inadequately explained and the application failed to acknowledge the impact to the east of the development site – where Mr Churchill lived.
- It was mentioned that the application would preserve local character but how was this possible in light of the current use of land within the AONB.
- Councillor Linden stated that Members could clearly see localised flooding within the proposed development boundary during their site visit.
- Long Lane was a single track road and traffic moved quickly in this area.
- There was limited capacity within local services (schools etc) to support the arrival of more residents in the area.

Councillor Marigold Jaques explained that there was a degree of traffic movement in the area due to the existing workshops on the proposed development site. Councillor Webster noted that access to the site would be considered at the reserved matters stage

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but agreed that the road was already busy and would not cope with increased traffic in its current state.

In response to questions asked, Councillor Webster stated that there had been two incidents requiring emergency services assistance on Long Lane. However, it was acknowledged that accidents might occur which go unreported because emergency services were not required to attend the scene.

Councillor Richard Somner asked for more information regarding the reported flooding at the access point of the site. Councillor Linden advised that localised flooding occurred in the entrance road to the site but that the site itself had not been impacted by wider scale flooding.

Members revisited Mr Churchill's earlier remark, that he had invited them to visit his home during the recent site visit. Councillor Alan Law advised that, as Chairman at the site visit, he was not made aware of the offer.

Councillor Law invited Gareth Dowding to respond to points raised by Members regarding driver and pedestrian safety along Long Lane and access to the site. Gareth Dowding confirmed that there had been two reported incidents in the past five years. He explained that access to the site would be considered in the reserved matter stage and that he would expect the proposed design to comply with the Highway Authority's standards (in particular - splay and visibility).

Gareth Dowding stated that he was not concerned about the lack of access to a footpath as outlined within the current application; the nearest footpath was positioned on the opposite side of the road and this was deemed acceptable.

Members discussed matters relating to the access to services through the adjacent site and noted that the development was in its early stages. Members sought reassurance from Officers that access would be provided as detailed within page 66 of the report. Andrew Heron advised that the layout and design would be considered at the reserved matters stage. David Pearson added that the DPD clearly stated that pedestrian access must be provided and so the application could be refused if this element of the design was not included at the reserved matters stage.

Councillor Law invited Officers to comment on three key areas highlighted by the Committee: that the site had been earmarked for fifteen residential properties but only thirteen had been proposed within the current application; that concerns had been noted by RBFRS regarding access to mains water supply; and to explain how the application was viewed in light of the current stage of the DPD – recognising that Mr Churchill had concerns regarding how paragraph 216 of the NPPF had been addressed.

David Pearson started by explaining that the current application was an indicative design for the development of thirteen homes and that the number of units reserved for affordable housing was calculated on this basis. The number of Affordable Housing units would be recalculated if the number of properties increased overall.

He accepted Members concern regarding the Officers' interpretation of the NPPF but stated that evidence from appeal cases had shown that significant weight was given to DPD sites in a similar stage of development. David Pearson believed that there was a strong case to approve the application and that refusal could entail a challenge through appeal.

Finally, David Pearson advised that a condition could be added to ensure that the provision of mains water was included in the design, although this would usually be considered at the reserved matters stage.

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Councillor Graham Bridgman commented that the DPD identified the site as suitable for fifteen homes and yet the current application provided only thirteen - how was it possible to ensure that the Council delivered against the overall housing target. David Pearson reported that there was a national drive to encourage development so sites were earmarked through the DPD but it was not considered reasonable to condition a 'minimum number' as part of this process.

Members discussed the percentage of affordable housing on site in line with brownfield guidance. It was agreed that the site was previously subject to development and therefore would be considered as a brownfield site. As such, and taking into account the number of dwellings proposed, the development would be subject to delivering 30% affordable housing.

Councillor Somner asked whether health services had been consulted through this process in order that the impact would be better understood. Andrew Heron advised that such impact would be considered at the reserved matters stage and that a Community Infrastructure Levy (CIL) contribution would be provided to mitigate the impact.

In response to questions raised by Members, Gareth Dowding advised that any changes to Long Lane (one way system etc) would be subject to a public consultation first.

Councillor Tim Metcalfe informed the Committee that he was not present at the site visit but that he was very familiar with the site. He explained how he was concerned that, due to the contour of the land, the nearby footpaths could be affected by run-off from the site. However, he was comfortable that the SuDS condition would address this concern.

He highlighted that the contour map was inaccurate and that there was a dip in the single track road which was often foggy and presented hazardous driver conditions.

Councillor Metcalfe considered that the site was a perfect location for development and would improve the appearance of the site overall. However, he did have some concerns regarding the highway and impact on local services.

Councillor Marigold Jaques echoed Councillor Metcalfe's concerns regarding the highway but felt that other matters could be adequately addressed through conditions. She proposed acceptance of Officers' recommendation to grant planning permission. The proposal was seconded by Councillor Crumly.

Councillor Crumly concluded that the application presented a number of areas for concern but recognised that the site had already been identified, through the DPD, as an area for development. He noted that there were concerns regarding the weight that could be given to the DPD in considering the current application but stated that Officers had presented a strong case to the Committee.

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

Conditions

The application was granted Planning Permission subject to completion of a legal agreement and conditions as set out in the agenda with additional conditions, no.6, requiring the provision of private fire hydrants, and, no 7, add the suds condition on the update sheet.

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(2) **Application No. & Parish: 16/03070/FUL - The Coach House, Turners Drive, Thatcham, Berkshire.**

(Councillor Richard Crumly declared an interest in Agenda Item 5(2) by virtue of the fact that he was present at the Thatcham Town Council Planning Meeting when the application was considered. He could not recall how he voted but stated that he would consider the matter afresh this evening. As his interest was a personal or a other registrable interest, but not a 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 5(2)) concerning Planning Application 16/03070/FUL in respect of change of use from B1 office use to a 64 place children's day nursery falling within Class D1.

In accordance with the Council's Constitution, Mr Matt Brooks, applicant/agent, addressed the Committee on this application.

Mr Matt Brooks in addressing the Committee raised the following points:

- The company had two successful branches open in Basingstoke which had won national awards.
- Concerns had been raised regarding parking onsite – he explained that staff would make use of garages to ensure there was sufficient space for parents/ guardians to drop off/collect children. Research suggested that a significant number of children would arrive on foot and that the staggered start times meant that the proposed numbers of spaces would be plenty.
- The proposed parking arrangements were deemed acceptable by the local highway authority.
- The proposal would see the current, vacant office space renovated into an important, local service. He did not consider that the proposal would have a detrimental impact on the area.
- There was a school and leisure centre nearby and the proposal would compliment these services.

In response to questions asked by the Committee, Mr Brooks advised that the applicant would accept the request to provide a travel plan (as mentioned within the update report) and that he would consider the request to introduce CCTV on site which might then be used to evidence how the car park was being used.

Councillor Pamela Bale asked whether the car park design could include designated disabled parking bays. She suggested that the current layout did not allow sufficient space for disabled parking bays to be included. Mr Brooks insisted that this would be looked into.

Mr Brook advised Members that the children's day nursery would employ approximately 60 people and that they would make good use of the garage parking to manage availability of space within the car park.

Councillor Graham Bridgman asked how long the vacant property had been on the market and whether the applicant knew its previous use. Mr Brooks stated that the property had been on the market since August 2016 and that he was not sure who had previously occupied the property.

Members heard that full details regarding the management of the car park/garages would be detailed within the travel plan which had been requested as part of the update report.

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In response to points raised by Members, Andrew Heron explained that the application site had been outlined in red on the plan and two parking spaces were positioned outside the boundary. Therefore, not all spaces available to the Children's Day Nursery would need to be detailed within the travel plan. Furthermore, he considered that it would not be reasonable to condition the use of CCTV on site and explained how it would become difficult to enforce this condition if the application was approved. He reassured Members that the applicant would be required to submit a 4/5 year travel plan which would be reviewed annually. The plan would detail how the car park would be managed and movement of traffic to/ from the site.

Councillor Law invited Officers to comment on matters relating to traffic movement and car parking. Gareth Dowding explained that the applicant commissioned an independent traffic survey which had concluded that traffic movement would increase but the extent of which would be minimal and not sufficient to warrant refusal of the application.

Members were informed that parking restrictions had been implemented along Turners Drive due to complaints relating to traffic visiting the nearby school. However, localised parking matters would be for the landlord and nursery to resolve where necessary.

Councillor Bridgman highlighted that the parking spaces were designed for use by office workers and that the future use of the space would necessitate parent parking bays. Councillor Mollie Lock echoed previous comments that the site would require at least one disabled parking bay. David Pearson stated that a condition could be formulated to ensure the inclusion of a disabled parking bay when the applicant came to consider the travel plan.

Members noted that there were two additional parking spaces outside the application boundary but these were not highlighted during the course of the site visit. Councillor Richard Somner considered that there was sufficient parking when the additional spaces outside the application boundary were included in the equation.

Councillor Emma Webster proposed acceptance of Officers' recommendation to grant planning permission and was pleased to see a vacant property would be put to good use. She noted that the site was located close to a school and leisure facility and so the proposed site was fitting.

The proposal was seconded by Councillor Quentin Webb.

Councillor Richard Crumly informed Members that he was uncomfortable with the proposed parking arrangements and could not support the application.

Councillor Graham Bridgman stated that he could not see reference to a minimum number of spaces aligned to the application and noted that more space, per bay, would be required. Gareth Dowding advised that the current number of spaces was reasonable – 11 for parents/ guardians and 4 for staff.

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

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

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2. The development hereby permitted shall be carried out in accordance with drawing numbers; promap, ordanance survey, Dreweatt Neate, and The Coach House received 3rd November 2016 and 28th November 2016.

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

3. Irrespective of the provisions of The Town and Country Planning (General Permitted Development) Order 2015, the Coach House shall not be used for any purpose other than as a children's day nursery (D1 use class), unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose

Reason: To prevent the overdevelopment of the site and to safeguard the amenities of neighbouring properties in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

4. The number of children attending the nursery at any one time shall not exceed 64 except with the prior written consent of the Local Planning Authority via an appropriate planning application.

Reason: In the interests of sustainability and highway safety, in accordance with Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007, Policy CS14 of the West Berkshire Core Strategy 2006 - 2026, and the National Planning Policy Framework (March 2012).

5. No development shall take place until details, to include a plan, indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and permitted in writing by the Local Planning Authority via a condition discharge application. The nursery use shall not operate until the boundary treatments have been provided in accordance with the approved details.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

6. The opening hours shall be restricted to the hours of 07:30 to 18:30 Mondays to Fridays only.

Reason: To safeguard the living conditions of adjacent occupiers in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 - 2026 and OVS6 of the West Berkshire Local Plan Saved Policies 2007.

7. The use shall not commence until a report demonstrating that the external garden areas present a low risk to future occupiers has been submitted to and approved by the Local Planning Authority via a condition discharge application.

Reason: In order to protect the amenities of proposed occupants/users of the application site. This is in accordance with the NPPF and Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

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8. The use shall not commence until the vehicle parking and turning space have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning space shall thereafter be kept available for parking of private motor cars and light goods vehicles at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007.

9. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority via a condition discharge application. The use shall not commence until the cycle parking and storage space has been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007.

10. The children's nursery shall not commence operating until a travel plan for the site and its associated activities has been submitted to and approved by the local planning authority via a condition discharge application. The occupier shall implement the approved travel plan on commencement of operating and shall take all reasonable practicable steps to achieve and maintain the agreed targets within the timescales set out in the plan thereafter. The occupier shall monitor and update the plan annually for a minimum of 5 years from first occupation

Reason: To ensure the development reduces reliance on private motor vehicles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007, Supplementary Planning Document Quality Design (June 2006), and Policy LTP SC1 of the Local Transport Plan for West Berkshire 2011-2026.

11. The children's nursery shall not commence operating until a parking plan for the site has been submitted to and approved by the Local Planning Authority via a condition discharge application. The occupier shall implement the approved parking plan on commencement of the use of The Coach House as a day nursery and the approved parking arrangements shall be maintained thereafter. The parking plan must ensure a minimum of at least one parking space to disabled parking space standard is provided at the site.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007.

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81. Appeal Decisions relating to Eastern Area Planning

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

(The meeting commenced at 6.30pm and closed at 8.30pm)

CHAIRMAN

Date of Signature