

Note: These Minutes have been amended. Please see Minutes of 8 January 2020 for amendments.

## **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY 4 DECEMBER 2019**

**Councillors Present:** Jeremy Cottam, Alan Law (Chairman), Royce Longton (Vice-Chairman), Ross Mackinnon (Substitute) (In place of Graham Pask), Alan Macro, Geoff Mayes, Joanne Stewart and Andrew Williamson

**Also Present:** Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Michael Butler (Principal Planning Officer), Gareth Dowding (Acting Principal Engineer (Traffic and Road Safety)), David Pearson (Development Control Team Leader) and Linda Pye (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor Peter Argyle and Councillor Graham Pask

#### **PART I**

##### **31. Declarations of Interest**

It was noted that all Members of the Committee had been lobbied on agenda item 4(1). The Chairman reminded all those in attendance at the meeting that any information received within five working days of the meeting would be disregarded.

##### **32. Schedule of Planning Applications**

###### **(1) Application No. & Parish: 19/01063/COMIND - Land south of Ravenswing Farm, Adjoining Aldermaston Road and Silchester Road, Tadley**

*(It was noted that that all Members had been lobbied on item 4(1). All were reminded that any information received within five working days of the meeting would be disregarded.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application No. 19/01063/COMIND in respect of the construction of class A1 foodstore, car parking and access and landscaping.

Mr Michael Butler, Principal Planning Officer, introduced the report and highlighted the following points:

- The Development Control Manager had decided that the application should be brought to Committee for consideration due to the high level of public interest.
- It was a full planning application and therefore if approval was granted, there would be no further reserved matters applications.
- There would be a right hand turning lane into the site.
- If the application was approved the site could be developed by any discount food retailer.
- The height of the proposed building would be seven metres.
- Mr Butler showed a plan, which highlighted the site with a red line. If approved, conditions could only be applied within this red line.

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- On the proposed plans the western and southern boundaries were within the red line and there would be a minimum of a 5m wide buffer strip in these areas. He also pointed out an additional area of proposed structural landscaping which fell outside of the red line and would need to be secured by a S106 agreement prior to planning permission being granted should Members be minded to approve the application.
- Mr Butler ran through the responses from the statutory consultees. West Berkshire Council's Planning Policy Service has stated that the application did not comply with Development Plan Policy because the site was greenfield and was outside of the settlement boundary.

*(Councillor Jeremy Cottam arrived at 6.50pm however, as he was late arriving he was unable to take part in discussions or vote on the matter but remained as an observer).*

- The total number of letters of support for the application was 880. 61 letters of objection had been received and 13 ambiguous letters, stating that a discount store was required but not in the location proposed. Total representations amounted to 954.
- Regarding visual impact, one of the Planning Officer's reasons for refusal corresponded to visual impact of the proposal and was detailed under section eight of the report.
- Regarding a sequential test, if the application was assessed with regard to West Berkshire the nearest village to the proposed store would be Aldermaston, which was two miles away. On these grounds the application would fail the sequential test, however, it was not felt that this was reasonable. If the site was assessed with regard to its location adjoining Basingstoke and Deane's border, it was deemed very sustainable as it was just outside the settlement boundary of Tadley and therefore Officers were satisfied that the application met the sequential test.
- Regarding retail impact, a retail impact assessment had been submitted by the applicant. The National Planning Policy Framework (NPPF) stated that although retail need was not a technical test it was a material consideration. Retail need could not however, be used as a reason to approve or refuse the application.
- Regarding highways, no objections had been raised by the Highways Service. Mr Butler reported that the maximum car parking standard for the site would be 156 car parking spaces, however, only 128 were to be provided if the scheme was approved.
- Regarding nuclear safety issues, the Emergency Planning Officer had objected to the scheme unless a satisfactory emergency plan was provided. The applicant had attempted to provide an Emergency Plan as a result of the objection however, the update sheet detailed that the Emergency Planning Officer was not satisfied. There was therefore an additional reason for refusal included within the update sheet as recommended by the Emergency Planning Officer. Michael Butler stated that if approval was given then a Grampian condition could be included requiring the submission and approval of an Emergency Plan before works commenced on the development.
- Mr Butler concluded that Planning Officers had considered the planning balance of the application and although there were many people in favour of the application, it was clearly a departure from the Development Plan. Therefore refusal was recommended.

In accordance with the Council's Constitution, Mr Allan Follett and Ms Catherine Wilde, Supporters, and Mr James Mitchell (Lidl), Douglas Symington (Lidl), Chris Tookey (agent) and Richard Broad (Consultant), addressed the Committee on this application.

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### **Supporters Representation:**

Mr Allan Follett and Ms Catherine Wilde in addressing the Committee raised the following points:

- Mr Follett stated that he lived in Pamber Heath.
- In respect of the question about whether an additional food store was required Mr Follett referred to the public comments and the results of a recent survey. 2,527 (90%) supported a new discount food store, 203 (7%) objected and 78 (3%) had been undecided.
- A large proportion of the 12,000 inhabitants of Tadley supported the proposal and he therefore felt that this demonstrated an exceptional need.
- Another question was around whether the site was located in Tadley Town Centre. Paragraph 6.16 of the report stated that the centre was only 200m to the south. There were no other alternative brownfield sites available in the town. There were a couple of banks on the opposite side of the road which added weight to the suggestion that the application site was part of Tadley Town Centre.
- Ms Wilde was a resident in Tadley and felt that the area was limited for shopping in terms of price, quality and product choice. The main food store in Tadley was Sainsbury's. They effectively had a monopoly so prices were high. She felt that the town lacked diversity which meant that people were consequently forced to travel further afield to areas such as Basingstoke, Calcot and Newbury to shop in discount stores. 65% of local consumer spend was going to retail units outside of Tadley.
- A shop such as Lidl's would make shopping easier and cheaper particularly for disabled or elderly residents. It would bring a gain in sustainability due to the reduction of trips to more distant discount stores.
- A discount store such as Lidl's made an effort to buy British products.
- Ms Wilde was of the opinion that the store would not bring traffic in from other areas and it would benefit other local businesses.

### **Member Questions to supporters:**

Councillor Geoff Mayes noted that mention had been made of Sainsbury's in Tadley and he asked if there were any other grocery shops in the area. Ms Wilde responded that there was a small Budgen's shop in the petrol station and a Co-op store but this was not on the bus route and was therefore not accessible to all.

### **Applicant/Agent's Representations:**

Mr Mitchell in addressing the Committee raised the following points:

- The application had evolved dramatically since April 2019 and efforts had been made to overcome problems identified by officers.
- There had initially been highways concerns however, through liaison with West Berkshire and Basingstoke and Deane Local Authorities, any issues had been resolved.
- Electrical charging points would be provided as part of the application helping it to achieve a BREEAM excellent rating.
- The landscape buffers to the front and sides of the site would be retained. All trees within the site would be retained and an additional 38 trees would be planted. There would be a large net ecology gain if the application was approved.

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- The Planning Officer had been fair in his assessment of the application. Mr Mitchell felt that Members should not feel concerned regarding the Emergency Action Plan because if approved there would be a pre- commencement Grampian condition added.
- Sainsbury's in Tadley, did not have an Emergency Action Plan for its site.
- Primarily the development was outside of the settlement boundary however, it was adjacent to the settlement boundary of Tadley.
- The applicant accepted that Planning Officers had highlighted that there would be some impact to the landscape as a result of the scheme however, this would be mitigated by buffer strips to the front and sides of the site.
- There were limitations regarding what else could be done to change the application.
- Mr Mitchell did not agree with the Officer view stated within the report that there was no need for the scheme. £81m was spent by the residents of Tadley in Newbury, Reading and Basingstoke, which was not sustainable.
- There had been an unprecedented response to the scheme. The applicants own consultation had revealed that 94% supported the application, 5% objected and 1% were undecided. The consultation clearly showed that there was an acceptable level of need in the area for the scheme.
- The scheme was sustainable and would provide economic development through increased jobs in the area. It would offer affordable shopping choices to the community.

### **Member Questions to the Agent:**

Councillor Alan Macro queried why an access off Silchester Road had not been considered. Secondly, he noted that Mr Mitchell had stated that there was a high number of people in the local area who wanted the store. He asked if he was right in thinking that the applicant had put a lot of effort into encouraging letters of support. Lastly, Councillor Macro asked if other locations which had been considered had included the site where Reading Warehouse had once operated. Councillor Alan Law felt that Councillor Macro's second question relating to the level of support was misleading and stated that Mr Mitchell did not have to answer this question.

Mr Mitchell referred to Councillor Macro's first question on whether an access from Silchester Road had been considered. It had been recommended by the applicants Highway's consultants that this option was not suitable due to the amount of land available. An access from the A340 was the best solution that caused the least obstruction. All the necessary modelling and assessments had been carried out and Highways Officers were satisfied with the proposed access.

Regarding the sequential test, Mr Mitchell confirmed that other sites had been explored however, the chosen site had been deemed the best and most suitable location. Regarding Councillor Macro's question on whether the Reading Warehouse site had been considered, Mr Tookey stated that this site was inferior to the application site and in policy terms would not be acceptable. It was a brownfield site but would be too small for a Lidl store or to compete with the local Sainsbury's store. Unlike the application site, the former Reading Warehouse site was not adjoined to the town centre of Tadley.

Councillor Geoff Mayes had noted at the site visit that HGV vehicles would need to back into the entrance of the site. It was possible that some of vehicles might wish to turn right out of the site but would not be able to do so and Councillor Mayes queried if this was

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correct. Mr Mitchell confirmed that vehicles could turn right out of the site. Councillor Law suggested that Members revisit this point when posing questions to Officers.

Councillor Andy Williamson noted that the site was a greenfield site however he had also noted the point that members of the community were travelling further to fulfil their shopping needs. He queried if an assessment had been carried out on this point to see what environmental impact was being caused. Mr Mitchell stated that no assessment had been carried out however the figures were stark. Two thirds of convenience goods spend by local people was not spent in Tadley. Surprisingly there was a lot of spending taking place at Sainsbury's in Calcot. There seemed to be a mass exodus taking place by people who were unable to satisfy their shopping needs in Tadley. Mr Tookey confirmed that 65% of local spend was leaking outside of Tadley. Councillor Law asked what percentage was spent in Newbury however, Mr Tookey did not have the figures to answer this question.

Councillor Ross Mackinnon referred to one of the potential reasons for refusal regarding the absence of an Emergency Action Plan. He noted that Members had been advised by Mr Mitchell that they should not be wary of this fact. Councillor Mackinnon asked if the applicant had been working with the Emergency Planning Officer to rectify the situation. Mr Mitchell confirmed that they had met with the Emergency Planning Officer on two occasions and were not far away from having an Emergency Action Plan that was acceptable. Councillor Mackinnon stated that he would have thought the applicant would have wanted to present an adequate Emergency Action Plan to the Committee. He queried how Members were supposed to feel confident that an adequate Emergency Action Plan would be produced if approval was given. Mr Mitchell stated that they were still awaiting comments from the Emergency Planning Officer and some responses had not been received as quickly as they could have been. Good progress was being made and potential issues were being reduced to a small number.

### **Ward Member Representation:**

Councillor Dominic Boeck in addressing the Committee raised the following points:

- He reiterated points made about the level of desire for such a facility and the retail offering that would be provided.
- The Planning Officer's report indicated that the main reasons for refusal submitted by objectors included traffic, loss of amenity and that the application went against planning policy. If looking overall however, there was an overwhelming level of support for the application. Councillor Boeck stated that he had received more unsolicited approaches from members of the public regarding this application, than for any application in the past.
- The community wanted more choice of retail offering within the local area. The application would benefit the economic development of the area.
- There would be increased amenity and welfare if the application was approved.
- He acknowledge the points raised regarding the location of the scheme and visual impact however, he felt that this would be marginal.

There were no Member questions for the Ward Member.

### **Member questions to Officers:**

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In response to Councillor Mayes' question about whether HGV vehicles would be able to turn right out of the site the Highways Officer could see no reason why they would not be able to do so provided there were no other vehicles queueing to turn into the site from that direction. He referred to two other stores on the road into Reading which had a similar arrangement. Councillor Alan Law queried what would happen if vehicles were not able to turn right. The Highways Officer confirmed that there were several junctions in the area which would allow traffic to double back or there was a roundabout at the other end of the High Street which would enable traffic to turn around.

Councillors Alan Law asked why the Emergency Action Plan had not yet been completed. Michael Butler replied that the statutory body for health and safety around Nuclear Establishments (ONR) still had a holding objection to this application. However, if the Emergency Planning Officer for West Berkshire was content with the Emergency Action Plan which would be prepared by the applicant then the ONR would be willing to remove the holding objection. His understanding was that the applicant was still in discussions with the Emergency Planning Officer in relation to the Action Plan. If Members were minded to approve the application then a condition could be included to ensure that the Emergency Action Plan was approved prior to any development starting on the site. However, the Officer opinion was that the Action Plan was not safe as yet. David Pearson confirmed that the application site was in the Inner Zone and therefore he felt that it would be unwise to grant the principle of planning permission and to rely on the condition. There was also a possibility that if the application was approved with that condition then it could be called in by the Secretary of State.

Councillor Andrew Williamson stated that if the application was approved with that condition then the Action Plan could be approved. However, if discussions around the Action Plan dragged on then the condition could be appealed after six months. It would be up to Members of the Committee if they wanted to take that risk, however, the Officers' view was that as the site was in the Inner Zone then the plan needed to be approved prior to planning permission being granted. The Legal Officer queried who had put forward the idea of conditioning the completion of the Emergency Action Plan. David Pearson confirmed that this had been suggested by the Emergency Planning Officer.

Councillor Alan Macro noted at the site visit that there were a large number of flats close by and he asked what affect the development would have on them. Michael Butler responded that there would be a degree of noise etc. but he did not consider that it would be so harmful to merit a reason for refusal on that ground. Councillor Macro felt that the affect would be more of a visual one which could be a reason for refusal.

Councillor Jo Stewart was concerned about the precedent which would be set in allowing this development on a greenfield site and she asked what would prevent that becoming more widespread. Michael Butler confirmed that this was the main reason that Officers were recommending refusal of the application on policy grounds as it was a departure from the Development Plan. Councillor Alan Law advised that Members of the Committee needed to determine what the exception was in this case should they be minded to approve the application.

### **Debate:**

Councillor Law introduced the debate by stating that the Planning Officer's reasons for refusal had been made on balance. The site was located within West Berkshire Council's countryside and was up against the settlement boundary. It was clearly within the countryside and outside of the settlement boundary. If Members were minded to approve the application, clear reasons for this decision would need to be given so that a precedent was not set. Councillor Law stated that if the application was approved the

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Planning Officer would review the matter and it was likely that the ultimate decision would be referred to the District Planning Committee.

Councillor Williamson asked if Members of the Committee could reference the application to District Planning Committee and Councillor Law confirmed that this was a third option for Members to consider. Councillor Williamson fully understood the Planning Officers' balanced view. He stated that he felt minded to support the application with the relevant conditions added. He was conscious that the site was greenfield and that a climate emergency was being faced however, he felt that the travel taking place to access retail choices further away was offsetting concerns about development of a greenfield site.

Councillor Jo Stewart concurred with the views of Councillor Williamson. She felt overwhelmed by the amount of support for the application. Councillor Stewart stated that she had originally felt undecided about the application however, this had changed when listening to the views of supporters. Councillor Stewart knew the area of Tadley well and it had grown substantially in the last 10 to 20 years. It was important that the community were able to access retail choices in the close vicinity without having to travel too far. Councillor Stewart was however, concerned about the precedent that might be set if approval was given for development of a greenfield site.

Councillor Macro stated that he was surprised about the level of support in relation to the application. He was not supportive of a greenfield site being developed for retail use. He was also concerned about the close proximity to AWE. He therefore proposed that Members approve the Officer recommendation to refuse planning permission, including the additional reason for refusal included in the update report regarding the requirement of an Emergency Action Plan. No seconder was found for this proposal.

Councillor Mayes queried what would happen to children if parents found themselves stuck in the store in the event of an emergency. Councillor Law noted the point however, he reminded Councillor Mayes that Members were in debate.

Councillor Royce Longton queried if he was correct that a major housing application for Tadley had been refused at appeal. Mr David Pearson stated that what Councillor Longton was referring to was a Basingstoke and Deane planning application. The housing site had been allocated before the MOD had taken a strict line regarding the emergency zone. An appeal against refusal of the application was dismissed, however the Secretary of State had called the application in as it had been allocated prior to the MOD's strict line on development in the emergency zone and then granted planning permission. The Secretary of State subsequently allowed the appeal, overturning the Inspectors decision. All Local Authorities within the safety zone now had to follow the same process to ensure safety levels were assessed.

Mr Pearson reminded Members that case law was clear that the level of public support for or objection to an application was not a material planning consideration.

Councillor Williamson proposed that the application be approved subject to conditions discussed. He felt that because the proposal would reduce the length of car journeys, this outweighed the impact to the greenfield site. He therefore felt that the application was acceptable. The proposal was seconded by Councillor Stewart.

Mr Butler highlighted the conditions that would be included if the application was approved. Councillor Law reminded Members that it was possible the application would be referred to District Planning Committee if approved. Mr Pearson added that a S106 agreement would need to be completed in respect of the landscaping proposed outside of the red line if Members were minded to approve the application. He suggested that the applicant be given three months to submit and complete a S106 agreement and if the

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agreement was not completed within this time period the application should be refused on this ground.

Councillor Law invited Members of the Committee to vote on the proposal by Councillor Williamson, seconded by Councillor Stewart including the requirement to complete a S106 agreement prior to planning permission being issued, or refusal if the agreement was not completed within this time period and the conditions suggested by officers. At the vote the motion was carried.

On advice from the Development Control Manager, Mr Pearson advised that the application would be referred to the District Planning Committee for final decision.

**RESOLVED that** conditional permission be granted contrary to officer recommendation, subject to the completion of a S106 agreement within 3 months in respect of strategic landscaping and subject to conditions proposed by officers. Application to be refused if S106 not completed within 3 months.

The application was referred up to District Planning Committee due to its strategic implications for delivering the policies of the development plan across the district.

### Conditions

- 1—Standard 3 year time limit
- 2—Approved plans
- 3—External facing materials –samples
- 4—Landscaping
- 5---Hard surfacing treatment
- 6—Emergency plan—pre condition
- 7—Levels
- 8—Drainage
- 9 –Car parking/layout
- 10—Range of goods/lines restricted to 3500 total
- 11—BREEAM excellent
- 12- Highways –s278 agreement –right hand turn lane
- 13—Forward visibility splays
- 14—Restriction on hours of trading –reduced on Sundays and Bank holidays
- 15—WSI required –archaeology
- 16—Thames Water. Protection of water main
- 17---Tree protection conditions
- 18—Implementation of travel plan
- 19—Working hours restrictions
- 20—Construction management plan
- 21—Dust suppression during construction
- 22—Noise from external plant—controls
- 23---Boundary treatment

*(The meeting commenced at 6.30pm and closed at 8.10pm)*

**CHAIRMAN** .....

**Date of Signature** .....