

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 3 JUNE 2020**

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

**Also Present:** Stephen Chard (Principal Policy Officer), Gareth Dowding (Principal Engineer), Bob Dray (Development Control Team Leader), Debra Inston (Principal Conservation & Design Officer), Kim Maher (Solicitor), Lydia Mather (Senior Planning Officer) and Phil Rumens (Digital Services Manager)

**Apologies for inability to attend the meeting:** Councillor Ross Mackinnon and Councillor Geoff Mayes

### **PART I**

#### **6. Minutes**

The Minutes of the meeting held on 13 May 2020 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

**Item 5 (1) 20/00221/HOUSE – West Streatley House (first paragraph of Ward Member Representation):**

Councillor Alan Law in **presenting to** the Committee as Ward Member made the following points

**Item 5 (2) 20/00222/LBC2 – West Streatley House**

The following heading and text needed to be moved so that it sat above the proposal and resolution for the item (page eight of the minutes):

**(2) Application No. & Parish: 20/00222/LBC2 - West Streatley House, High Street, Streatley**

The debate and resolution for Agenda Item 6(2), concerning Planning Application 20/00222/LBC2 which sought listed building consent, was contained within Agenda Item 6(1).

#### **7. Declarations of Interest**

There were no declarations of interest received.

#### **8. Schedule of Planning Applications**

**(1) Application No. & Parish: 19/02879/FULD - Theale Motor Ltd, Theale**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 19/02879/FULD in respect of the proposed demolition of a former commercial unit, the erection of a retail unit and the erection of seven dwellings including parking, bins and landscaping.

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Mrs Lydia Mather, Senior Planning Officer, introduced the report and highlighted the following points:

- The application site was located within the settlement boundary of Theale. It adjoined the conservation area on three sides and was in close proximity to a number of listed buildings.
- The update report contained the consultation response from the Conservation Officer and the amended/additional conditions proposed as a result.

As resolved at the Extraordinary Council meeting held on 29 April 2020, public speaking rights had been removed for virtual Council meetings. This right had replaced with the ability to make written submissions. This decision had been made in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020.

In accordance with the Extraordinary Council resolution, written submissions had been received from Theale Parish Council, and Mr Tom Rumble, agent.

Written submissions were read out by the Clerk to the Committee as follows:

### **Parish Council Representation**

The written submission of Theale Parish Council was read out as follows:

- The Parish Council gave thanks for the letter dated 26 May 2020 inviting them to submit written representations for this application to be presented to the Eastern Area Planning Committee.
- Theale Parish Council strongly objected to the proposed development and took the opportunity to restate its objections. Despite repeated objections on the same grounds, the parish council felt they had not been addressed. The objections were as follows:
  1. Loss of light to neighbouring properties.
  2. Inadequate parking provision.
  3. Lack of clarity about bin storage and how they would be collected.
  4. The development was not in keeping with the existing street scene.
  5. Inadequate amenity space for residents.
  6. Overlooking of neighbours' gardens on Station Road.
  7. Inappropriate development near a Conservation Area and listed buildings.
  8. Inadequate provision for short-stay deliveries, which would disrupt traffic flow on Station Road and deliveries to other businesses in the vicinity such as Co-op and Crown Kiosk.

### **Agent Representation**

The written submission of Mr Rumble was read out as follows:

- Mr Rumble was the planning consultant and he gave thanks for the opportunity to present comments upon this application.
- The officer's report was a positive one that detailed the merits of the application as recommended for approval. This reflected the lengthy and collaborative approach to the application process undertaken with Council officers over the past year.

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- The application had been revised following consultation responses on a number of occasions so to respond to the comments of, in particular, the Council's conservation officer. This had resulted in there being no objections to the scheme from either the Council's conservation or highway officers.
- The officer's report confirmed the sustainable location of the site within Theale and its brownfield status. The existing site had no inherent quality in architectural or historic terms and did little to benefit the village and its Conservation Area. By comparison, the proposed scheme would offer an enhanced retail offer and new residential dwellings. It would enable the introduction of a positive, active frontage and soft landscaping. The site's sustainable, brownfield location therefore meant that the principle of development in this location was consistent with the Council's development plan.
- Through dialogue with Council officers, a traditional design style had been developed. This had included significant amendments to the design to reduce the number of dwellings from 9 to 7; the inclusion of a traditional pitched roof; reductions in ridge and eaves heights; and a traditionally designed shopfront. As was visible in the 3D perspectives, the building's main facade had been broken into three architectural styles to represent the diversity of architectural expressions found in Theale. This enabled an attractive street scene to develop and the building's overall bulk and mass to be broken up. In addition, the scale of the building would reduce as it moved towards the west so to ensure an appropriate relationship with adjacent properties.
- The scheme had been therefore designed to reflect the mixed character of the surrounding environment. Further, it incorporated appropriate shared and private amenity space, car / cycle parking and balconies to the rear.
- In relation to highway considerations, the scheme was acceptable as confirmed by the absence of an objection from the Council's highway officer. This included in relation to parking provision, vehicle turning and servicing arrangements. In other respects, including residential amenity, drainage and environmental health, the scheme was entirely acceptable.
- To conclude, the officer's report set out a comprehensive assessment of the proposal having regard to the various consultation responses received. It concluded, having regard to all relevant planning policy and associated material considerations, that the scheme should be approved subject to the completion of a legal agreement.
- Mr Rumble believed that through a collaborative approach, the applicant and Council officers had found the appropriate balance between using a brownfield site effectively, introducing a high quality and active design and respecting the qualities and setting of the adjacent Conservation Area.
- For these reasons, Mr Rumble respectfully asked the Committee to endorse the officer's recommendation.

### **Ward Member Representation**

Councillor Alan Macro in addressing the Committee as Ward Member made the following points:

- This was a very sensitive site. As explained by the Planning Officer, it adjoined the conservation area on three sides and was in close proximity to several listed buildings.

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- The listed buildings included a pair of seventeenth century cottages that appeared in the foreground of an 1832 Constable painting of Holy Trinity Church. These cottages would no longer be visible from the junction of High Street and Station Road if this development was approved. Other examples in the surrounding area were the seventeenth century Crown Inn, 1 High Street built in 1830 and Westfield House which was built in the mid eighteenth century.
- The maximum height proposed with this application was 8.4 metres. This would be significantly higher than the height of the Church Street cottages of 6.9 metres. There were no other three storey buildings in the surrounding area and Councillor Macro felt that the proposed development, if approved, would dominate the street scene.
- There was a shortage, of around 18%, of private amenity space for the proposed development. It therefore did not accord with the Quality Design Supplementary Planning Document. The required standard should be adhered to and an under provision of amenity space not permitted.
- There was inadequate provision of waste and recycling bins.
- The Tree Officer had commented that the proposal lacked landscaping and green space.
- There was no visitor parking provision allocated to the dwellings. Nor was there parking provision for either customers or staff of the retail unit, and on street parking was limited. Use of the Co-op car park would prove extremely inconvenient for Co-op shoppers as this car park was often full already.
- There was no provision for deliveries to be made to the retail unit. It would not be acceptable for delivery vehicles to park temporarily on the double yellow lines as this would create a hazard. Delivery vehicles parked opposite the Co-op car park would make it difficult for deliveries to be made to the Co-op. Parked delivery vehicles would also obstruct the Crown Kiosk.
- Access to the site was close to a busy bus stop.
- In conclusion, Councillor Macro felt that the proposal constituted overdevelopment and it would negatively affect the listed buildings in the surrounding area and the conservation area.

### **Member Questions of the Ward Members**

In response to questions of clarification, Councillor Macro confirmed that there were no buildings exceeding two storeys in the immediate vicinity. No three storey buildings were visible from the application site.

Difficulties described in relation to deliveries to the proposed retail unit would be particularly apparent if a delivery vehicle was to park on the double yellow lines opposite the Co-op entrance as Co-op delivery vehicles would not be able to gain access or egress.

### **Questions to Officers**

Councillor Jeremy Cottam sought further clarity on the amenity space. He queried how far this fell short of policy. Mrs Mather advised that the total private external amenity space required for this proposed development was 175 square metres. The combined external amenity area proposed, including the first floor balconies, was 143 square metres. A shortage of 32 square metres or approximately 18%.

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Mrs Mather added that one of the dwellings also had access to an area of the roof. However, this would still not bring the amenity space up to the policy requirement.

Councillor Graham Bridgman asked questions based on the concerns of Theale Parish Council. Firstly, would the development result in a loss of light to neighbouring properties? Councillor Bridgman queried the distance from the application site to the nearest properties on Church Street. Mrs Mather confirmed that this was a distance of nine metres. She also clarified that the nearest properties, numbers 1-3 Church Street, were offices. The nearest dwelling was either across the road or to the rear of the site.

Councillor Bridgman next queried car parking provision and bin storage. In response, Mrs Mather explained that there had been concerns with the previously refused application in terms of bin storage for the dwellings. This application had a reduction in the number of dwellings and this meant that car parking spaces for residents had been reduced to eight (including one visitor space). There were five parking spaces for the retail unit. This parking provision exceeded policy requirements whilst allowing for the bin storage area to be increased in size. The other bin storage area for the retail unit would be positioned near to the retail unit.

Turning to concerns of overlooking of neighbours' gardens, Mrs Mather confirmed that dwellings to the rear of this site were equal in height to the proposal and the back gardens of those dwellings could not be overlooked by the proposed dwellings.

Another objection of the Parish Council was that this would be an inappropriate development near to the conservation area and listed buildings. Councillor Bridgman queried if this was acceptable on policy terms. Debra Inston, Principal Conservation and Design Officer, explained that it was important to consider the impact of the development on the setting of and surroundings of the adjoining conservation area. She looked to ensure that the proposed scheme was in keeping with and did not cause harm to the conservation area as per the National Planning Policy Framework (NPPF) and Policy CS19 of the West Berkshire Council Core Strategy.

Debra Inston went on to explain that she had concerns with the refused nine dwelling scheme, in particular its height and scale which did not respect the surrounding buildings. However, the height and scale of the buildings had been reduced in this application. The highest building proposed would be 8.5 metres to the ridge which she considered to be in keeping with surrounding buildings. This was lower in height than the Crown Inn when it was higher in the original plans. In addition, the proposed gables had been narrowed and some of the balconies had either been removed or repositioned.

Councillor Bridgman next referred to the residential parking indicated in the plans. He was concerned that the parking spaces were overly tight which would make parking manoeuvres difficult.

Gareth Dowding, Principal Engineer, confirmed that the parking spaces were adequate in size, this had been double checked. Vehicles could access the spaces/exit from them, with multiple movements if necessary.

Councillor Pask considered it unusual for balconies to be included in amenity space and queried that. Mrs Mather advised that the proposed balconies were of a reasonable size and depth – i.e. a usable space, and could therefore be included in the amenity space. Bi-folding doors would be installed to enable residents to access their balconies.

Councillor Macro returned to the subject of bin storage. He noted that the bin storage would be positioned near to the retail unit and was concerned at this proposal as this would be located behind the Crown Kiosk which sold food.

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Councillor Tony Linden queried how deliveries could be accommodated for the retail unit. Mr Dowding explained that there was nothing to prevent delivery vehicles from parking on the double yellow lines to load/unload by utilising the five minute free period. This would align with delivery arrangements already in place for other existing retail units on Theale High Street.

Councillor Jo Stewart queried whether consideration had been given to the location of the bus stop which would be situated to the front of the proposed properties and the impact of this on safe access/egress to and from the application site. Mr Dowding explained that the structure of the bus stop shelter and its positioning would help to prevent an impact on visibility. The shelter would also have clear sides. The shelter would therefore only impact slightly on sight lines and this would not warrant refusal of the application.

The only minor difficulty to a motorist would be occasions when a bus or the school bus was stationary at the bus stop and it would sometimes be necessary for another vehicle to wait for a short period of time before it could pass or the bus moved.

### **Debate**

Councillor Cottam felt that the proposal would be a good use of a brownfield site that was to be welcomed when considering that retail units were reducing. He commented that the architect had done well to try and fit in this proposal but in his opinion this had not been achieved successfully. He considered that the proposal constituted overdevelopment and was not sympathetic to the existing street scene. Councillor Cottam was concerned at the insufficient amenity space which he did not feel should include the balconies.

Councillor Pask felt that this was a well-designed set of flats that would occupy what was currently a scruffy looking corner located near a major junction in Theale. He felt it would be a relatively attractive addition. His difficulty with the application was the amenity space. Councillor Pask did not consider an 18% shortfall on amenity space to be slightly below policy requirements as this was close to being one fifth. He felt that the balconies were a good idea but were limited as to their use. He was also concerned that some of the outside amenity space had to be accessed through the car park.

In summary, Councillor Pask was of the view that while the principle was fine and car parking provision acceptable, the amenity space was not acceptable. He considered that the applicant was trying to squeeze too much into the site.

Councillor Nassar Kessell referred to paragraph 6.7 of the report. This stated that the Council's Housing Service objected to the size of the proposed affordable housing unit as it was 6.1 square metres smaller than the Nationally Described Space Standard. However, the paragraph also explained that as this standard was not referenced in the Local Plan the application could not be objected to on this basis. Councillor Kessell queried whether the Council should look to ensure that the national standard could be applied in the future.

In response, Councillor Alan Law explained that it was for the Committee to interpret existing planning policy. However, the point made was valid and should be forwarded to the Portfolio Holder for Planning and Housing for consideration.

Councillor Macro then pointed out that all the units were below the space standard and he considered there to be too much proposed for the site.

Councillor Macro also advised that from his local experience, the access point for the application site was very rarely used by vehicles. He maintained that a road safety issue would be created if delivery and other vehicles exited the site by the bus stop.

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Councillor Bridgman referred back to the list of objections from Theale Parish Council. He felt that these could all be dismissed with the exception of inadequate amenity space which was of concern.

Councillor Bridgman also gave his view that the proposal was reasonably well designed and would not detract from the street scene. However, he stated that he was proud that West Berkshire Council was a policy driven Council. The Council stood by and defended its policies. He felt that an 18% shortfall on amenity space was a substantial reduction on policy.

Councillor Macro proposed that the planning application be refused, contrary to the officer recommendation, on the basis that the application constituted overdevelopment; the amenity space was insufficient for residents; there was insufficient space to incorporate landscaping; and there was no provision for delivery vehicles to park meaning they would have to park on Station Road which would obstruct traffic and create a road safety hazard.

The proposal was seconded by Councillor Cottam.

Councillor Linden queried whether these reasons for refusal could be upheld at a potential appeal. Bob Dray, Development Control Team Leader, felt that valid planning reasons had been raised which were informed by the Committee's debate.

**RESOLVED** that the Head of Development and Planning be authorised to refuse planning permission for the reasons outlined below.

Following the vote being taken, Councillor Law commented that the need for adequate private amenity space had become a more important issue in recent months due to the Covid-19 pandemic. He expressed sympathy for those living in apartments who had been without private amenity space, other than balconies, during the Covid-19 lockdown.

### **REASONS:**

1. The amenity space for the proposed dwellings is inadequate in quality and area. Supplementary Planning Document: Quality Design outlines that flats should have from 25m<sup>2</sup> for each 1 or 2 bedroom flat, which would be 175m<sup>2</sup> for the proposed development, and should be of a quality to accommodate domestic features and sitting outside in comfort. At 143m<sup>2</sup> (153.9m<sup>2</sup> with the roof terrace) the proposed balconies and shared amenity space would be 32m<sup>2</sup>/18% (21.1m<sup>2</sup>/12% with the roof terrace) below the minimum of the supplementary planning document. The quality of the amenity space is inadequate; the balconies/roof terrace would have limited space for sitting out, and the communal space is accessed under the building and through the car park to the rear of the building with no outlook beyond the building or boundary of the site. As such the proposal fails to provide reasonable provision of outdoor space and fails to make a positive contribution to the quality of life of the occupants of the dwellings contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026, Supplementary Planning Document: Quality Design, and the National Planning Policy Framework 2019.

2. The proposed development fails to provide sufficient landscaping and green infrastructure. The layout of the development is such that little land is available for landscaping. The site has had tree protection orders in place on the boundary with Church Street and those trees have subsequently been lost. The site is also on the boundary of a conservation area which is partly characterised by hedges and trees particularly to the west. Therefore the site is sensitively located in an area where a higher level of landscaping than that proposed is to be expected. As such the proposal fails to respect the character of the surrounding area or make provision for landscaping contrary to policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2019.

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3. No provision has been made for delivery vehicles servicing the proposed retail unit to park within the site. The site is located adjacent to a roundabout with a bus stop to the north on Church Street and with a food sales kiosk and access to a retail unit car park to the east on Station Road. Delivery vehicles will have limited space to park on the highway and in parking on the highway will adversely affect road safety and the flow of traffic. As such the proposed development is contrary to policy CS13 of the West Berkshire Core Strategy 2006-2026, policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007, and the National Planning Policy Framework 2019.

4. The proposed development is of poor quality design and layout. This results in: an overly high density development (83.5 dph); residential units with small internal space (as indicated by all but one unit being less than the nationally described space standards) and the affordable unit not complying with the internal space requirements of the Supplementary Planning Document: Planning Obligations; poor quality amenity space for future residents with the shared communal space having no outlook and being accessed via the undercroft car park; limited space for landscaping; and lack of provision for delivery vehicles servicing the proposed retail unit. As such the proposed development is contrary to policies ADPP1, CS4, CS6, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

5. The application fails to provide an appropriate planning obligation to deliver affordable housing. The district has a high affordable housing need and an affordability ratio above the national average. Compliance with Policy C6 through the provision of an affordable home is therefore necessary to make the development acceptable. In the absence of an appropriate planning obligation, the proposal is contrary to policy CS6 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations Supplementary Planning Document, and the National Planning Policy Framework.

**INFORMATIVES:**

1 This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.

2 In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.

3 The floor plans include annotations from previous versions of the plans: units 5 and 7 are in fact 2 bedroom units; and the entrance serving the most flats in fact serves units 4-7. The layout of the floor plans otherwise correctly reflect the amendments.

*(The meeting commenced at 6.30pm and closed at 7.40pm)*

**CHAIRMAN** .....

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