

DRAFT

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WESTERN AREA PLANNING COMMITTEE

EXTRACT FROM THE DRAFT MINUTES OF THE MEETING HELD ON WEDNESDAY, 23 NOVEMBER 2016

Councillors Present: Jeff Beck, Paul Bryant (Vice-Chairman), Hilary Cole, James Cole, Adrian Edwards, James Fredrickson, Paul Hewer, Clive Hooker (Chairman), Anthony Pick and Virginia von Celsing

Also Present: Michael Butler (Principal Planning Officer), Rachel Craggs (Principal Policy Officer (Equalities)), Paul Goddard (Team Leader - Highways Development Control), Debra Inston (Principal Conservation & Design Officer), Gary Rayner (Development Control Manager), Jo Reeves (Principal Policy Officer), Shiraz Sheikh (Principal Solicitor) and Peta Stoddart-Crompton (Public Relations Officer)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth, Councillor Billy Drummond and Councillor Garth Simpson

Councillor Absent: Councillor Howard Bairstow

PART I

33. Minutes

It was noted that the minutes of the meeting held on 2 November 2016 had been reissued following publication of the agenda following the identification of some typographical errors. The revised minutes were approved as a true and correct record and signed by the Chairman.

34. Declarations of Interest

Councillor Hilary Cole declared an interest in all Agenda Items, but reported that, although her interest was a personal registrable interest, and not a disclosable pecuniary interest, she determined to remain to take part in the debate but not vote on the matter.

Councillor Hewer declared a personal interest in all Agenda Items but reported that, as his interest was a personal interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillors Pick, Beck, Edwards declared an interest in Agenda Item 6 and 7, but reported that, as their interest was a personal or a other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Fredrickson declared that he might have predetermined Agenda Items 6 and 7 and therefore he determined to address the Committee in his capacity as Ward Member but would not take part in the debate or vote on this matter. He also gave his apologies for Item 6 and only joined the Committee for its public session.

Councillors Pick, Beck and von Celsing declared that they had been lobbied regarding Agenda Items 6 and 7.

Councillors Pick, Hilary Cole, Beck, James Cole and Edwards declared that they had been lobbied regarding Agenda Item 8.

35. Schedule of Planning Applications

39. Application No. and Parish: 16/01489/OUTMAJ Land at Coley Farm, Stoney Lane, Cold Ash

(Councillor Hilary Cole declared a personal interest in Agenda Item 8 by virtue of the fact that she was the Portfolio Holder for Planning and Housing and also the Chairman of the District Planning Committee. As her interest was personal and not a disclosable pecuniary interest, she determined to remain to take part in the debate but not vote on the matter.)

(Councillor Paul Hewer declared a personal interest in Agenda item 8 by virtue of the fact that he was employed by a social housing provider. As his interest was personal and not a prejudicial or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).

(Councillors Hilary Cole, James Cole and Edwards declared that they had been lobbied on this application.)

1. The Committee considered a report (Agenda Item 8) concerning Planning Application 16/01489/OUTMAJ in respect of the erection of 75 dwellings with associated access and landscaping with open space improvements at Coley Farm, Stoney Lane, Cold Ash.
2. In accordance with the Council's Constitution, Bernard Clark, Parish Council representative, Victoria Koroleva and Keith Benjamin, objectors, and Mark Norgate, Rebecca Humble, Ben Thomas and Glenn Charles, applicant/agents, addressed the Committee on this application.
3. Michael Butler introduced the report and update report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justifiable. Officers strongly recommended the Committee grant planning permission
4. Councillor Hilary Cole queried which settlement boundary the application related to. Michael Butler responded that the application was outside of Newbury's settlement boundary. Councillor Hilary Cole stated that the settlement boundary was redefined by the Housing Sites Allocation Development Plan Document (HSA DPD) and asked whether the site would be inside or outside. Michael Butler advised that the definition of the settlement boundary was a separate process to the DPD.
5. Councillor Paul Bryant noted that the consultation response from the Fire Service had been abbreviated in the committee report. The original letter raised a concern that there were no public mains. Councillor Bryant asked whether this was a planning matter or the responsibility of Thames Water to rectify. Michael Butler explained that an application was unlikely to receive permission if it could not be safely implemented and that was why authorities such as the Fire Service and Thames Water were consulted. Thames Water had responded that the water infrastructure capacity was adequate. Councillor Bryant queried the disparity between the two responses; Michael Butler offered reassurance that any planning permission could not be implemented until there was suitable fresh and waste water infrastructure.
6. Councillor Jeff Beck raised a query regarding a reference to an LVIA on page 277 of the agenda. Michael Butler explained that a Landscape Visual Impact

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Assessment (LVIA) had been completed for the amended plans and the consultant's response was outlined in the update report.

7. Councillor Beck sought clarification on where collected water would be released into main water courses, noting drainage issues on Fir Tree Lane and whether engineers were satisfied that the bunds on the proposed site would be sufficient. Stuart Clark responded that officers were satisfied that the site included sufficient bunds to hold rain water on site. The Flood Risk Assessment had calculated the run off and volume in accordance with the technical standards for sustainable drainage and climate change. All water associated with a 1:100 flood event, plus 40% to account for climate change could be stored on site. There would be an outlet which released the stored water at the greenfield rate into the water course; the River Lambourn. Overall, engineers were satisfied that the proposals would ensure that the development was safe and it would not increase risk elsewhere.
8. Councillor Beck questioned the morning peak hour traffic movement calculations of 29 cars during 8am and 9am and stated that he did not believe there would be only a 3% increase in traffic on the B4009. Councillor Beck further raised the point that roundabouts along Kiln Lane were already pressured. Paul Goddard responded that the figures provided were projections produced by modelling software which was connected to a national database. The projections were in line with all residential developments and covered only 8am to 9pm, not all morning traffic movements. The National Planning Policy Framework (NPPF) guidance stated that a development should only be refused if the likely impact on traffic was severe. Paul Goddard stated that he did not advise that a 3% increase in traffic was a severe impact.
9. Councillor Beck enquired upon the content of the Travel Plan. Paul Goddard advised that the applicant would need to provide that information.
10. Councillor James Fredrickson queried the statement at paragraph 5.2 of the committee report that Stoney Lane would be widened to a minimum of 5.5m. Michael Butler explained that at points, Stoney Lane was wider than 5.5m so the parts which were narrower than 5.5m around the proposed development would be widened to that minimum standard.
11. Councillor Anthony Pick noted that at the site visit he had observed a substantial slope from West to East and that there was a ditch along the highway. He asked how the water from the highway would be managed once the ditch had been lost as part of the road widening. Stuart Clark explained that there was a condition attached to the recommended permission that the water run-off from Stoney Lane would need to be assessed and accommodated within the site's drainage scheme.
12. Bernard Clark, in addressing the Committee raised the following points:
 - The Parish Council was unanimously against the proposal due to its impact on the countryside, inadequate access, flooding risk and its unsustainability.
 - The proposed development was in contravention of Cold Ash Parish Council's Parish Plan.
 - The Parish Council understood the need to identify sites for housing and in its Parish Plan had located in-fill sites for 60 houses.
 - There was a nearby site at Henwick for which there had been an application for 225 houses.

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- The proposed development would see 75 houses being built on a site the size of four football pitches, in his view a city level of density.
 - There were not the shops, schools or General Practitioners in the area to support the residents of 75 new dwellings.
 - The slope of the site was 1:10.
 - There would be 130-140 cars associated with the new houses, 80-90 of which would use Stoney Lane at peak times.
 - Stoney Lane was a single carriageway at 10 points.
13. At the Chairman's request, Michal Butler clarified that on the Henwick site there was an application for 275 dwellings, reduced to 225 in the amended plans; this application had been refused and was being heard at a public inquiry. An identical application had been submitted and was likely to be refused under delegated authority.
14. Councillor Adrian Edwards asked whether the Parish Plan indicated the location of the preferred sites for housing and if it had been approved by West Berkshire Council. Mr Clark responded that it demonstrated where housing was earmarked and the Plan had been approved by the Council.
15. Victoria Koroleva and Keith Benjamin, in addressing the Committee raised the following points:
- The application was not in line with the Council's own policies. HSA3 had stated there would be one access on Stoney Lane and one to the South East of the site, not two on Stoney Lane.
 - The proposals would increase the number of accidents and place the existing 140 households on Stoney Lane at risk.
 - The highway widening would remove established hedgerows over 100 years old.
 - If the application was approved lives would be lost.
 - Between 8am and 9am there was often a 45 minute queue.
 - 500 residents had signed a petition and the Parish Council objected, in addition to the letters of objection received by the Council.
 - The development would harm the visual appearance of the area.
 - There was not sufficient traffic mitigation and the development would worsen traffic by urbanisation.
 - It was not clear who would maintain the drainage system in the long term.
 - The open site within the site was not sufficient or adequate.
 - Residents had raised objections throughout the call for sites and development of the DPD. A lot of people felt the development would have an adverse effect on the local area.
16. Councillor Beck sought more information on the objectors' views of the proposed access to the site. Ms Koroleva explained that in HSA3, it had been stated an additional access to the south east of the site was required, now there would be two hazard points on Stoney Lane. Michael Butler advised that in the Local Plan, sites were allocated but were not completely analysed. HSA3 offered a suggestion

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but not a requirement that there should be a south easterly access to Laud Close. While officers agreed it would be appropriate to have an access at that location, it was under third party ownership and to obtain the land required it would cost 30% of the Gross Development Value. Therefore if the south east access was insisted upon there would be no affordable housing.

17. Councillor Edwards sought clarification on the location of the open space. Michael Butler advised that it was outside of the application site and the Council sought a Section 106 contribution to improve an existing area of open space. Officers were satisfied that there was sufficient open space in the site.
18. Councillor James Cole asked what justification the objectors had to refer to Stoney Lane as dangerous. Ms Koroleva responded that it was a single track with obscured visibility used by drivers, horse riders and walkers. There had been five accidents in five months. Paul Goddard commented that officers agreed that the lane in its current form was not suitable, hence the widening proposed.
19. Mark Norgate, Rebecca Humble, Ben Thomas and Glenn Charles, in addressing the Committee:
 - The developer was a Newbury based company and had owned the site since 2003.
 - They had followed the Council's processes by submitting it under the HSA DPD's call for sites and had waited to submit the application until the DPD was at an advanced stage.
 - The committee report outlined that substantial weight could now be afforded to the Council's emerging DPD.
 - The developer had consulted officers from Planning, Highways, Drainage and Open Space in designing the scheme.
 - They had responded positively to consultees and members of the public.
 - The development was 40% affordable housing and would help the Council achieve its housing supply target.
 - Circular walkways around the site would connect areas of open space and existing trees would be preserved.
 - Existing open space would be improved.
 - They had worked with Highways to find a solution to provide safe access to the site in a way which retained the character of the area and reinforced the existing hedgerow.
20. Councillor Bryant asked whether the applicant had consulted Thames Water. Mr Norgate responded that their consultants did this on the developer's behalf as they needed to know before submitting an application that it would be possible to build the development. Mr Norgate also stated that there would be fire hydrants on the site.
21. Councillor Bryant enquired whether it was intended to use sprinklers on the site. Mr Norgate advised that this would be considered under the detailed design.
22. Councillor Beck asked what was intended for the Travel Plan. Mr Thomas advised that it had not yet been drafted but would include cycle parking and the footway would link to the residential area to the South.

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23. Councillor Pick enquired how the drainage system would work. Michael Butler reminded the committee that before them was an outline application and a number of predevelopment conditions were recommended which would deal with the reserved matters. All bodies would be consulted about the further detail submitted and if officers were not satisfied that the reserved matters were dealt with appropriately they would not recommend their approval. It was unfair to ask technical questions of an outline application and the development would not be built if or until the conditions were discharged appropriately.
24. Councillor Edwards noted that there was no information on a wildlife survey in the committee report. Mr Norgate advised that an ecological survey was completed as part of the DPD process. Michael Butler advised that Natural England had been consulted and raised no objections.
25. Councillor Garth Simpson, speaking as Ward Member, in addressing the Committee raised the following points:
- The site was a late shoe-in to the DPD call for sites and the proposal would burst open HSA3 and the associated main modifications.
 - The site was 0.6 to 0.8 hectares in size, wet year round and only suitable for dog walking.
 - The proposal was a Trojan horse to a further application in the area.
 - Street lighting would urbanise the development.
 - Slides 1 to 14 of the committee presentation demonstrated the sites position in the countryside and its beauty.
 - A resident of Stone Copse for 39 years, he would have to factor in half an hour to travel the 2.7m to the Council's offices with an extra 15 minutes in times of congestion.
 - There was a flooding risk and this was experienced in 2007.
 - The Met Office was warning of another event in 10 years.
 - The flood mitigation conditions needed to be determined at the outline stage; there should be a robustly maintained larger pond.
 - There were issues with the transport assessment and it was not compliant with government guidance.
 - Coley Farm was remote and the Travel Plan was delusional.
 - The Kiln Road roundabout was stressed and the Council recognised that it was badly configured. It was currently at 89% capacity and the proposed development would increase that by 3%.
 - More houses would lead to injuries. Decision makers would have blood on their hands if they took the moral hazard and approved the application.
 - He would like a named vote on the application.
26. Councillor James Cole asked to see the presentation slides that had been referred to. Councillor Simpson indicated slide 7, which demonstrated the area north of Cold Ash was the same quality as the Area of Outstanding Natural Beauty (AONB) but did not receive the privileges of being AONB. Michael Butler explained that the AONB was designated in 1973 and if the site had been of AONB quality it would have been designated as such in the original designation or via an amendment.

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27. Councillor Fredrickson asked what particular concerns residents had come forward with regarding the traffic impact. Councillor Simpson replied that a 3% increase in traffic took the capacity of the Kiln Road roundabout to 92% which was just shy of a severe rating. The traffic assessment was completed on the basis of no additional sites in the area. Traffic from Compton and Bucklebury would all use the B4009 to access Newbury.
28. Councillor James Cole asked whether Councillor Simpson was satisfied with the sustainability analysis. Councillor Simpson responded that he did not agree with the key destinations used in the traffic modelling and the gradient was outside the Department for Transport guidance for cycling.
29. Councillor Edwards, noting that Councillor Simpson had lived near to the site for 39 years, asked whether he thought flood water would run off the road onto the development site. Stuart Clark advised that there was a condition in the update sheet to ensure the development managed that run off water effectively.
30. Councillor Pick asked for the road traffic accident (RTA) statistics in the area. Paul Goddard explained that the official statistics were provided by Thames Valley Police and although the DfT recommended a 3 year history, officers had considered 5 years of history. Incidents were not recorded as an RTA if there was no personal injury. There were no RTAs resulting in personal injury on Stoney Lane in the preceding 3 years. There were 5 RTAs resulting in slight personal injury on the B4009 mini roundabout in the preceding 5 years but this was not unusual for any junction and often caused by drivers making poor choices. Officers did not deny that there was already congestion on the B4009 but advice remained, in accordance with the NPPF, that the impact on traffic in the area would not be severe.
31. Councillor Hilary Cole noted that the site was in the DPD and was passed by a majority on 5 November 2015.
32. Councillor von Celsing stated that whilst she appreciated the site was in the DPD she did not like the application. She travelled to the site visit south along Stoney Lane and had to stop and reverse to allow cars to pass. Councillor von Celsing expressed the view that the lane was unsuitable and there would be little open space on the site. She knew that houses were needed and she knew it was in the policy but thought it was a horrible site.
33. Councillor Fredrickson queried whether there was a variance in the statistics and if it might be possible the impact on traffic in the area had been underestimated. Paul Goddard responded that the projected impact was based on the planning application and traffic survey completed in November and December 2015. Traffic modelling was based on growth over 5 years and committed developments.
34. Councillor Beck noted that this would be the last opportunity to be satisfied the drainage and its maintenance was adequately addressed. Stuart Clark advised that the conditions stipulated the requirement for the developer to submit a maintenance plan to cover the lifetime of the drainage system and the responsible party. The Flooding and Waste Management Act 2010 meant that the Local Authority had to place any water retaining feature on a register which recorded what management would be required and engineers from the Local Authority would inspect the feature. There would also be an option to designate the feature so that it would be an offence to damage or alter it. Councillor Beck asked if the responsible party went bust, what powers the Council would have to complete the works and back charge for them. Stuart Clark responded that he expected that a

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management company would act on behalf of the residents unless the feature was adopted by the Council.

35. Councillor James Cole stated that he supported Councillor von Celsing's views and stated that computer models were tools but did not replace lived experience of traffic congestion in the area. His view was that nothing good could come of permitting the development and the site should not have been included in the DPD.

The Committee adjourned at 9.45pm and reconvened at 9.46pm.

36. Councillor Hilary Cole explained that the meeting was adjourned because Michael Butler sought her permission to summarise the application at the end of the debate. Councillor Hooker advised that he had already agreed to this as the Committee's Chairman. Members of the Committee expressed frustration at this interruption to the meeting.
37. Councillor Hooker proposed that the Committee continue the meeting past 10pm in accordance with Rule 7.6.2 of the Council's Constitution. This was seconded by Councillor Hilary Cole and carried by a majority at the vote with one abstention.
38. Councillor Bryant stated that he agreed with Councillor Simpson that the site was in lovely countryside but stated that Sandleford and other DPD sites also were. Other sites might also have traffic issues. Councillor Bryant expressed concern that if the Committee refused the application on the grounds of traffic and countryside, they could be saying they would turn down another 20 or 30 sites. There was a population pressure and the Council needed to ensure the delivery of housing against its quota. Councillors had spent hours debating the sites in designing the DPD and it would be a considerable problem if they backed down from those decisions.
39. Councillor Bryant proposed that the Committee accept the officer's recommendations to grant planning permission. This was seconded by Councillor Paul Hewer.
40. Councillor Beck stated that he lived near to the site and had no objection in principle to development but the number of houses was excessive and the potential traffic impact was unacceptable.
41. Councillor Fredrickson stated that he understood the wider context of the Council's planning policies and that more information would emerge over time. The level of congestion was close to severe and the Committee should not underestimate the Ward Member's experience.
42. Councillor Pick stated he would be more comfortable if more detailed information was available.
43. Michael Butler summarised that it was officers' strong recommendation that the Committee approve the application. It was a Greenfield site outside the settlement boundary and in ordinary circumstances one house would be refused. It was a Council proposed site and had undergone a lengthy process with an Inspector. Although it was not at a final stage, in accordance with the NPPF, the DPD could now be given substantial weight. An appeal was being heard in the Council Chamber regarding a proposed 500-600 dwelling development in Thatcham and the Council's 5 year housing supply was under debate. If the Committee refused its own allocated site there would be an immediate impact on the Council's ability to defend appeals on the basis of a five-year housing supply. The Council would

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also be liable for appellants' costs. If the Committee were minded to refuse the application it would be referred to the District Planning Committee.

44. Councillor Hooker invited the Committee to vote on the proposal of Councillor Bryant, as seconded by Councillor Hewer to accept officer's recommendation. At the vote this motion failed with two abstentions from Councillor Hilary Cole and Councillor Pick.
45. Councillor Hooker sought an alternative proposal. Councillor Beck proposed the Committee reject the officer's recommendation and refuse planning permission. This was seconded by Councillor von Celsing. At the vote this motion was carried with two abstentions from Councillor Hilary Cole and Councillor Edwards.

RESOLVED that the application should be refused contrary to Officers recommendation and that the matter should be referred to the District Planning Committee because of the policy implications.

Reasons:

- Traffic impact
- Potential SUDS issues
- Landscape impact
- Lack of agreed s106 planning obligation

40. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 5.30 pm and closed at 10.10 pm)

CHAIRMAN

Date of Signature