

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 13 NOVEMBER 2013

Councillors Present: David Allen, Howard Bairstow (Substitute) (In place of George Chandler), Jeff Beck, Paul Bryant (Chairman), Hilary Cole, Billy Drummond (Substitute) (In place of Julian Swift-Hook), Paul Hewer, Roger Hunneman, Andrew Rowles (Substitute) (In place of Virginia von Celsing) and Garth Simpson

Also Present: Emmanuel Alozie (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)) and Derek Carnegie (Team Leader – Development Control)

Apologies for inability to attend the meeting: Councillor George Chandler, Councillor Anthony Stansfeld, Councillor Julian Swift-Hook, Councillor Ieuan Tuck and Councillor Virginia von Celsing

PART I

29. Minutes

The Minutes of the meeting held on 21 August 2013 and 2 October 2013 were approved as a true and correct record and signed by the Chairman.

30. Declarations of Interest

Councillors David Allen, Paul Bryant and Jeff Beck declared an interest in Agenda Item 4 (1), but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

31. Schedule of Planning Applications

31(1) Application No. and Parish: 13/01795/FULD - Western End, Newbury

(Councillors Jeff Beck and David Allen declared an interest in Agenda Item 4(1), by virtue of the fact that they were members of Newbury Town Council and had been present at the Planning and Highways meeting where the item had been discussed however they would consider the application afresh. Councillor Jeff Beck also declared that he had been lobbied on the item. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

(Councillor Paul Bryant declared an interest in Agenda Item 4(1), by virtue of the fact that he was a Member of the Newbury Society however, had not taken part in the meeting when the item had been discussed. As his interest was personal and not prejudicial or 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 4(1)) concerning Planning Application 13/01795/FULD in respect of a proposal for the sub-division of 21 Western End, Newbury from a three bedroom house to two one bedroom apartments.

WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES

In accordance with the Council's Constitution, Kim Hodges, Parish Council representative, Anthony Pick, objector, Martin Kavanagh, supporter, Andy Butler and Chris Strang, applicant/agent and Councillor Tony Vickers as Ward Member addressed the Committee on this application.

Derek Carnegie introduced the Planning Officer's report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal would have an unacceptable impact and recommended refusal of the application.

Derek Carnegie stated that Ward Member Councillor Tony Vickers was in support of the application, since improvements had been made as part of the appeal scheme. The previous application received by the Council in May 2012 was refused in July 2012 and an appeal was dismissed by an Inspector in May 2013.

Derek Carnegie confirmed that neither Highways or Waste services had raised concerns about the application however, as highlighted in the report Planning Officers felt that the application would result in overdevelopment of the site. The development would be out of scale and character with the existing residential development in the locality and was contrary to the Newbury Design Statement. The closest point of the development would be just one metre from the highway, which was out of keeping with the area. There were similar one bedroom flats in the area however, they were complimented by open landscaping. Other properties close by which were close to the highway were less intrusive as they had formed part of the original layout plan.

Minor improvements had been made to the proposal since it had been refused in 2012 however, the over-riding factor for Planning Officers was that the development would cause cramped living.

Officers conceded that the development would provide sustainable living arrangements being so close to the town and would also have no adverse impact on neighbours. There would be no loss of light caused and the alley way would remain in place however, these issues were not felt by Officers to outweigh the negative impacts outlined in the report.

Derek Carnegie referred to the update report which featured a letter of support. It also detailed an affordable living aspect of the development, which had not been mentioned previously by the applicant. Housing Officers had not had an opportunity to consider the offer of an affordable flat within the development but it was likely that they would prefer a financial contribution in lieu rather than an affordable flat on the site.

An appeal decision to dismiss the application in May 2013, in essence had outlined that the two storey development would be prominent, obtrusive and inappropriate.

Kim Hodges in addressing the Committee raised the following points:

- He was a Newbury Town Council Ward Member for Northcroft.
- Overall the Town Council felt that the proposal would cause overdevelopment of the site and was out of keeping with the rest of the area.
- Properties along Western End were designed for families and therefore benefitted from gardens and off road parking. There was a general feeling of space in the area.
- The development being proposed would alter the character of the area and the distance of one metre from the footpath was deemed unacceptable.
- No.1 Western End had already been extended, using all the space available. Properties left were small and lacked privacy.
- The application did not adhere to the Code for Sustainable Homes.

WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES

- Newbury Town Council reached these conclusions before having sight of the report. It felt the proposal was an example of overdevelopment, causing loss of character.

Anthony Pick in addressing the Committee raised the following points:

- The Newbury Society supported the views of West Berkshire Council's Planning Officers. They had reached the same conclusion about the previous application in 2012 and reasons were clearly detailed in the Inspectors report.
- The Development would be intrusive and provide poor amenity space.
- He understood that new homes were needed however, those already living in a development had to be considered.
- The proposed development site was currently fenced off and filled with debris. He felt that the site should never have been sold to the applicant and should have remained as amenity space for the current dwellings.
- There would be insufficient amenity space for six dwellings and it was felt that the debris and fence should be removed and the land re-assigned for improving the quality of life of those who already lived there.

Martin Kavanagh in addressing the Committee raised the following points:

- He had originally been involved in the application from a letting angle however, had become more involved at the appeal stage when the social housing element of the application had been included.
- The development would be a step towards bridging the gap between the public sector and private landlords.
- An agreement had been reached for one of the properties to be designated as affordable housing. This has been discussed with Housing Officers at West Berkshire Council and received favourably.
- Whilst this development had been introduced late into the process, it was a positive opportunity to work together.
- Tenant demand for rented accommodation in Newbury consistently outstripped supply in the entry sector by a factor of three to one, and Martin Kavanagh often had to turn people away. A lot of his time was spent letting people know they had not been successful for similar types of property.
- The developments would create four more jobs in the town and add more people to the local economy. Currently people had to commute from places like Swindon.
- In essence he felt that the proposal would be a good use of the plot of land and it provided an opportunity for social housing.

Martin Kavanagh confirmed that amenity space was often not amongst the criteria for one bedroom flats, due to the type of people who usually rented them being transient professional people.

Councillor David Allen questioned the rental value of one bedroomed flats in Newbury and Martin Kavanagh confirmed that the typical rental value for a studio flat in Newbury was £550 to £625 with an additional £60 for parking.

Councillor Garth Simpson questioned the three to one demand and that three people were often turned away for each property which became available. Councillor Simpson highlighted on a three to one basis that two people would be turned away. Martin Kavanagh reported that nine requests had been received for a one bedroom studio flat

WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES

that day. They would stop showing people around when they had three suitable applicants and the landlord would then choose from those three.

Councillor Simpson asked what the typical demographic profile was of those who lived in one bedoomed flats and Martin Kavanagh confirmed that it was often individuals who wanted to begin their career path in Newbury.

Chris Strang in addressing the Committee raised the following points:

- He acknowledged the concerns of the Officers around the character of the area and amenity space however, there were many positive aspects to the development. These included the social housing aspect; the similarity in design to properties close by; the ridge height, in that it would match 21A and 21B; there would be no loss of light or overlooking; there would be no adverse affect on Highways or Waste services and the development would be in a sustainable location.
- The suggested amenity space of 25m² was guidance only. The proposed 75m² was deemed sufficient.
- The proposal would provide necessary social housing and the applicant would be happy to adhere to a Section 106 Agreement.

Councillor Hilary Cole referred to page 28 of the Officers report which detailed information on the Code for Sustainable Homes. If planning permission was granted, Councillor Cole queried whether conditions would be included, which ensured the requirements of the Code were met. Councillor Cole also felt that if approved the fence along the boundary should be removed to prevent vermin and debris from gathering. Chris Strang confirmed that the applicant would be willing to listen to Members' concerns.

It was confirmed by Derek Carnegie that the Code for Sustainable Homes would apply to the new buildings and not those already present.

Councillor Jeff Beck referred to comments made about affordable housing and that the Council had stated it would prefer financial contribution to assist the provision of affordable housing elsewhere. Chris Strang confirmed that he had not been made aware of this during conversations with Housing Officers and he had felt that they had been in favour of the affordable housing element of the proposal. It was confirmed that if the application was granted it would be subject to a legal and S106 Agreement. If there was a disagreement then the application could come back to the Committee.

Councillor Tony Vickers in addressing the Committee raised the following points:

- Residents supported the application as it would tidy up the area and improve safety as there would be new residents to help keep an oversight of things.
- Amenity space was one of the issues raised by Planning Officers and it was confirmed that originally the site had been allocated for parking purposes however, it had not been used as there was already enough parking spaces to support the area.
- Shared amenity space would be provided as part of the development.
- Amenity space for 21A and 21B would increase if the application was approved.
- A development close to the town centre had recently been approved and no amenity space was provided. Councillor Vickers also gave an example of 26 units, where the allocated amenity space was un-used.

WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES

- Supplementary Planning Guidance gave guidance on private amenity space. Councillor Vickers felt that the amenity space proposed was suitable and that quality of the space was more important than the quantity.
- He disagreed that application was out of character with the area and stated that Western End was not mentioned in the Newbury Design Statement. Councillor Vickers felt that development would improve the visual aspect of the area.
- Councillor Vickers felt that it would be a shame to deny the town of required housing stock.

Councillor Paul Bryant queried the amenity space permitted when dwellings 21A and 21B were permitted in 2005. Derek Carnegie could not recall detail dating back to 2005 and could not confirm that the area outside the red line was dedicated amenity space however, recalled that at that time the Government were building on amenity spaces. However, the Government had since changed direction and were guiding authorities to maintain garden and amenity space. This was recognised by Newbury Town Council and the Newbury Society who wanted to maintain Western End as a pleasant area to live.

Derek Carnegie reiterated that there was a clear steer from the Planning Inspector to refuse the application. Andy Butler would be free to amend his scheme and the changes could be viewed by the Inspector.

Councillor Beck explained that he greatly valued Martin Kavanagh's appeal however, he was persuaded by the site visit, the Inspectors report and the Planning Officers report. Councillor Beck did not feel that it would be in the interest of Newbury to grant the application and therefore proposed the application be refused in line with Officers' recommendation.

This proposal was seconded by Councillor Cole who stated that she agreed with Councillor Beck. Councillor Cole felt that from visiting the site Members could easily be minded to approve the application just in order to improve the sites poor condition however, this was not a planning consideration. Councillor Cole was surprised none of the neighbours had objected to the application as the development would form a large bulk at the bottom of their gardens.

Councillor Paul Hewer stated that he was divided on the application. He worked in Social Housing and therefore understood the need for this type of accommodation. He felt that the more amenity space provided the more space there was for debris and rubbish to collect.

Councillor Roger Hunneman referred to cramped areas of housing within his own ward however, was also aware of neglected amenity spaces. Councillor Hunneman felt that the type of people living in the flats would not be in favour of large amounts of amenity space to take care of.

Councillor Allen reported that he had lived in the town centre for 20 years and had frequently seen houses sold and rented out. Councillor Allen concurred with Councillor Hunneman that these people often did not want large areas of amenity space. Councillor Allen had no objections in relation to the elevation of the proposal as it was similar to properties in close vicinity and acknowledged the great demand for one bedroom flats in the area. Councillor Allen however, did object to how close the development would be to the footpath.

Councillor Bryant explained that many of the estates had been built post war and had been built on a plenty of space basis. Over the years demand had caused such estates to become more built up. Councillor Bryant also acknowledged the demand for such properties, although felt that this particular development was extremely close to the pathway. Councillor Bryant felt that it would cause the area to become cramped, causing

WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES

a negative visual impact and would place pressure on the amenity space of those who already lived there.

Derek Carnegie highlighted that the Inspector's report clearly stated under paragraph 12 that the development would provide with regards to amenity space and therefore would be contrary Policy CS14. Derek Carnegie suggested that if Members were minded to approve the application it should be referred to District Planning Committee for consideration as it was contrary to policy.

Councillor Cole was generally concerned about creating modern day slums. Councillor Hunneman recalled that the Core Strategy mentioned that a mix of housing should be provided. Derek Carnegie stated that it was about building such housing in the right place and at the right time and this application in particular breached Council Planning Policies.

RESOLVED that the Head of Planning and Countryside be authorised to refuse planning permission for the following reasons:

1. The proposed works would result in an overdevelopment of the site and cramped form of development which would be out of character and scale with existing residential development in the locality. The location of the site, on a corner plot, with development within 1 metre of the existing pavement would give rise to a visually dominant form of development which would demonstrably harm the character of the area and its environmental cohesiveness. As such the proposal conflicts with guidance contained within the National Planning Policy Framework 2012, Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.
2. The proposed development would by virtue of form, siting, scale and associated parking requirements result in an increased intensity of use which does not reflect nor enhance the established environmental and residential character of the area. Furthermore, the proposed shared amenity space is not considered acceptable within this out of town centre location. This intensity of development would detract from existing and future residential amenity which should be reasonably enjoyed. As such the proposal is contrary to guidance contained within the National Planning Policy Framework 2012, Policies ADPP1 and CS14 of the West Berkshire Core Strategy 2006-2026, Policy HSG1 of the West Berkshire District Local Plan 2006-2026 Saved Policies 2007 and Supplementary Planning Document, West Berkshire: Quality Design.
3. The application fails to secure an appropriate scheme of works or off site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities, or provide an appropriate mitigation measure such as a planning obligation. The proposal is therefore contrary to Government advice contained within the National Planning Policy Framework 2012, Policy CS5 of the West Berkshire Core Strategy 2006-2026 and West Berkshire Council's adopted Supplementary Planning Document: Delivering Investment from Sustainable Development.

Informatics

1. 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 the local planning authority has been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area.

WESTERN AREA PLANNING COMMITTEE - 13 NOVEMBER 2013 - MINUTES

32. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 7.45 pm)

CHAIRMAN

Date of Signature