

# **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, 19 MARCH 2014**

**Councillors Present:** David Allen, Howard Bairstow (Substitute) (In place of George Chandler), Jeff Beck, Paul Bryant (Chairman), Hilary Cole, Roger Hunneman, Garth Simpson, Julian Swift-Hook, Ieuan Tuck and Virginia von Celsing (Vice-Chairman)

**Also Present:** Michael Butler, Derek Carnegie, Paul Goddard, Liz Patient and Elaine Walker (Principal Policy Officer)

**Apologies for inability to attend the meeting:** Councillor George Chandler and Councillor Anthony Stansfeld

**Councillor Absent:** Councillor Paul Hewer

#### **PART I**

##### **45. Minutes**

The Minutes of the meeting held on 5 February 2014 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Page 6, paragraph 7: amend 'shared spaces' to 'open spaces'.

##### **46. Declarations of Interest**

Councillors Ieuan Tuck, David Allen, Jeff Beck and Howard Bairstow declared an interest in Agenda Items 4(2) and 4(3) 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.

Councillor Roger Hunneman declared an interest in Agenda Item 4(3) but reported that, 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.

Councillor Julian Swift-Hook declared an interest in Agenda Items 4(2) and 4(3) and reported that, as his interest could be perceived to be prejudicial but was not a disclosable pecuniary interest, he determined to remain to take part in the debate but would not vote on the matter. Councillor Swift-Hook also reported that his use of a computer during the meeting was in order to access information relevant to the application.

All members of the Committee reported that they had been lobbied on Agenda Items 4(2) and 4(3).

##### **47. Schedule of Planning Applications**

###### **47(1) Application No. and Parish: 13/02741/FUL - Yattendon**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/02741/FUL in respect of the erection of a shed at Orchard Day Nursery.

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In accordance with the Council's Constitution, Mrs Anne Harris, Parish Council representative, Ms Marian Spain, objector, Mrs Eva Hughes, supporter, and Mr Andrew Webber, applicant, addressed the Committee on this application.

Mrs Anne Harris in addressing the Committee raised the following points:

- It was believed that Mr Webber, the owner of the nursery, had purchased the shed in September prior to applying for permission to erect it. Residents considered this to be the most recent action in a series of similar events which had led to a mistrust forming between them and Mr Webber;
- The shed was planned for laundry and storage of recycling waste and frozen food, and Mrs Harris considered that there might be an environmental health issue related to the proximity of waste and food;
- Mrs Harris asked, if Members were minded to grant permission for the erection of the shed, whether it could be located behind the main building so as to be out of sight of residents, and whether it could be required to be constructed of a material more sympathetic to the area, such as timber.

Councillor Hunneman asked for confirmation that residents would be able to see the shed in its proposed location as this was not evident from the photographs shown. Mrs Harris responded that she had been assured that neighbouring residents would see the shed from within their homes.

The Chairman asked Officers to verify that the planned use of the shed for food storage and waste was a matter for Environmental Health and not a planning consideration. Derek Carnegie confirmed that this was the case. The Chairman also asked whether a change in the location of the shed would require a second planning application to be submitted. Derek Carnegie confirmed that this would be the case.

Councillor Bairstow asked Mrs Harris if she believed that residents would continue to object if the material used was required to be timber. Mrs Harris replied that she believed residents would still object.

Mrs Marian Spain in addressing the Committee raised the following points:

- Past activity by the owner in relation to the nursery had given rise to mistrust from residents as to Mr Webber's intentions. Mrs Spain cited two examples:
  - A new access driveway which had been promised but not built as the owner did not own the land required;
  - A building had been previously erected without planning permission as a storage facility, but was now used as a classroom.
- Mrs Spain did not believe that the shed would make the nursery a more viable business, as it's primary purpose was for convenience;
- Mrs Spain suggested that the proposed uses of the shed were not essential as, for example, laundry could be sent off site;
- The nursery was not an educational establishment according to definitions within the National Planning Policy Framework (NPPF);
- The shed would be taller than surrounding fences and would have a substantial visual impact for residents;
- There was currently a 'mish-mash' of buildings on the site and there appeared to be a lack of consideration for their overall appearance;

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- Mrs Spain was grateful for confirmation by the Planning Officer that a maximum of 24 children could be looked after at one time, but she remained concerned over the incremental increases taking place. Mrs Spain considered that the owner should continue to operate within the constraints of the site, or consider moving to a more suitable location.

Councillor Hilary Cole asked whether Mrs Spain considered that the site was overdeveloped. Mrs Spain replied that she did.

Councillor Swift-Hook requested clarification as to whether the nursery was a day care facility or a nursery school with an educational element. Mrs Spain spoke of the NPPF reference to 'statutory schooling' which recognised schools admitting children over the age of 5. Derek Carnegie commented that Officers were content that there was an educational element within the nursery.

Mrs Eva Hughes in addressing the Committee raised the following points:

- As an employee of the nursery for six years, Mrs Hughes believed the shed to be a necessary addition as the nursery was predominantly housed in a two bedroom bungalow;
- The shed was to have three purposes, storage for recycling materials, to house a washing machine, and to house an upright freezer.
- The nursery generated a considerable amount of recycling materials which could not be stored currently as they needed to be kept away from play areas. Recycling was currently stored in the kitchen area to which children did not have access. The nursery staff wished to involve children in the recycling of safe materials, but were unable to do so at present due to storage arrangements. It was not possible to store recycling waste outside due to rodent and bird disturbance.
- There had not previously been a washing machine on site, however the nursery generated approximately one load of washing each day and the use of a machine on site would allow for a quicker turnaround of items such as bedding, outdoor wear and children's clothing.
- Nursery staff currently shopped daily for food for the children. The addition of a freezer would enable more food to be safely stored on site.

Councillor Cole asked how the recycling was dealt with at present. Mrs Hughes replied that some was recycled but that the owner took the majority home. Councillor Cole asked how the nursery intended for recycling waste to be disposed of in the future. Mrs Hughes responded that she expected it to be removed as part of the general waste collections.

Mr Andrew Webber in addressing the Committee raised the following points:

- A shed had been identified, but had not yet been purchased. The smallest shed had been selected that was able to address the storage issues at the nursery;
- There were no intentions to expand the intake of the nursery which currently had 51 registered children, but only 24 were able to be on site at any one time. Mr Webber had signed a legal agreement to this effect;
- The Council's Early Years Team were in support of this application, and Mr Webber had worked with them in taking it forward;
- The nursery employed eight staff;
- The shed would have no foundations and could be built within a few hours;
- The minibus would remain parked next to the shed and was taller than the proposed shed;

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- The nursery kitchen operated as the office leaving no space to expand and include a washing machine here;
- The materials chosen for the shed were metal in order to protect the contents from pests and the weather.

Councillor Cole requested the age range of the children who attended the nursery. Mr Webber responded that all were between 1 and 5 years old.

Councillor Cole commented that the recycling that would be accumulated ought to be disposed of as commercial waste, not within domestic waste collections.

Councillor Jeff Beck questioned whether planning permission had been granted for the lean-to structure on site. Derek Carnegie informed the Committee that a certificate of lawfulness had been granted in place of planning permission, and that enforcement of the lack of planning permission would not be pursued.

Councillor Tuck asked whether the nursery was inspected by Ofsted and whether Ofsted had made any comment on Mr Webber's intentions. Mr Webber replied that Ofsted were not concerned about issues of this nature, but rather the welfare and the nursery staff's ability to care for the children.

Councillor Swift-Hook asked whether Mr Webber considered the nursery to be primarily a day care facility, or an educational one. Mr Webber replied that two qualified teachers were employed and were teaching the children the foundation curriculum, and therefore he would consider that the nursery was primarily an educational facility.

Councillor Bairstow asked whether Mr Webber would consider moving the location of the shed. Mr Webber confirmed that he would. Councillor Bairstow further asked how the shed could be built without ground disturbance when water provision and drainage would be required for the intended washing machine. Mr Webber replied that there was a limited amount of digging required to reach a waste pipe and all services were within one metre of the location.

Councillor Virginia von Celsing, as Ward Member, raised the following points:

- The nursery was originally a small building which was located on a site that had seen a gradual increase in the structures built on it. Councillor von Celsing believed that the log cabin structure had been built without planning permission, which had been applied for retrospectively;
- Access to the site was via a narrow, weak bridge, and she did not believe that the site was appropriate for a nursery;
- Councillor von Celsing considered that if the site was no longer suitable for the applicant, then the nursery should be relocated to an alternative site.

Councillor Cole stated her agreement that the continued development of the site gave cause for concern, and whilst in isolation the application for the shed might be supported, Councillor Cole was not able to support a further increase on the site.

Councillor Beck agreed that the gradual expansion of the site had resulted in mismatched set of buildings with no visual appeal, and proposed that the Officer's recommendation to grant planning permission be refused for reasons of overdevelopment in an incongruent manner. Councillor Cole seconded the proposal.

Councillor Allen tabled a contrary view, considering that the application on its own merits would provide a useful storage facility for the nursery. Councillor Allen supported the application.

Councillor Bairstow considered that the site served its purpose well, and did not consider that a suggestion for the applicant to relocate the nursery gave adequate understanding

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to the financial impact of doing so. Councillor Bairstow recognised that the owner did not appear to have a good relationship with residents; however he suggested that re-siting the shed might be acceptable to neighbours. Councillor Bairstow went on to suggest that should the applicant wish to expand further in the future, then a real consideration should be given to moving elsewhere.

The Chairman asked the Committee to vote on the proposal made by Councillor Beck. At the vote, the proposal was rejected.

The Chairman proposed that the Officer's recommendation to grant planning permission be accepted. Councillor Allen seconded the proposal.

At the vote, the proposal was carried.

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

### **Conditions**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policy CS14 of the West Berkshire Core Strategy (2006 - 2026) should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with drawings titled: Dimensions of Proposed Shed and Roof Plan of Proposed Shed; received on 12 December 2013, an amended Block Plan; received on 22 January 2014, the Parking Plan; received on 29 January 2014 and the Arboricultural Method Statement; received on 18 February 2014; unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

3. The materials to be used in this development shall be as specified on the application form and the sample of steel from Capital Coated Steel Ltd, colour: LG S2704 olive green; received on 24 January 2014. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy CS14 of the West Berkshire Core Strategy (2006 - 2026).

### **Informatives:**

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.
2. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website

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The Chairman advised the Committee that Agenda Items 4(2) and 4(3) would be considered in reverse order as Officers had advised in the update report that should Agenda Item 4(3) be refused by the Committee, then Officers would need to revise their recommendation for Agenda Item 4(2) to one of refusal. As a consequence it would be sensible to consider Agenda item 4(3) first.

### **47(2) Application No and Parish: 13/02581/COMIND - Greenham**

*(Councillors Tuck, Allen, Beck and Bairstow declared a personal interest in Agenda item 4(3) by virtue of the fact that they were members of Newbury Town Council who had previously considered the application, however they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in Agenda item 4(3) by virtue of the fact that he was a member of Newbury Town Council and Greenham Parish Council who had previously considered the application, but reported that he would view the application afresh on its own merit. He also reported that the agent for this application was also acting for Greenham Parish Council and he therefore had a professional connection. As his interest could be perceived to be prejudicial but was not a disclosable pecuniary interest he determined to take part in the debate but would not vote on the matter).*

*(Councillor Hunneman declared a personal interest in Agenda item 4(3) by virtue of the fact that he lived close to the Rugby Club site. 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).*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 13/02581/COMIND in respect of a proposed sports and leisure club, with indoor and outdoor swimming pool, with associated parking, access, and landscaping.

In accordance with the Council's Constitution, Mr Phil Barnet, Parish Council representative, Mr David Mundy and Mr Paul O'Connor, objectors, Mr Sean Bates, supporter, and Mr Steven Smallman, Mr Max Wildsmith and Mr Phil Taylor, applicants/agents, addressed the Committee on this application.

Councillor Hunneman requested clarity regarding the condition that the sports and leisure club be completed prior to the Greenacres site (Agenda Item 4(2)) being closed. Michael Butler replied that it was recognised that streamlining the availability of the two leisure centres would be desirable but that this could not be guaranteed due to their private ownership. However, talks had taken place with the developers and a condition had been suggested to request a maximum of one year between one leisure facility being demolished and the other opening. The NPPF required planning authorities not to place onerous requirements on developers but to give flexibility, and it was considered that this suggested condition was appropriate.

Councillor Beck commented that conditions had not been included relating to hours of work.

Mr Phil Barnet in addressing the Committee raised the following points:

- Newbury Town Council (NTC) Planning and Highways Committee had considered this application. Members had voiced mixed views but were, in general, unhappy with the re-siting of a popular sports facility and felt that the matter had not been handled well by the applicants and their agents;
- There was concern that the number of squash courts was being reduced from three to two and no proper viewing area was proposed. It was considered that this would

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imply to the wider population that squash was not sufficiently important to cater for it, and would limit the opportunities for national competitions to be held in Newbury;

- NTC could not understand the justification for an outdoor swimming pool;
- NTC were concerned about the effect of traffic on the surrounding area;
- When the Falkland surgery lost parking spaces, the Rugby Club offered use of its car park, NTC queried whether the new facility would continue this permission for patients to use the 180 planned parking spaces;
- NTC questioned whether the new facility would be viable, especially if there was a significant delay between one centre closing and this opening. Members of Greenacres might find alternative facilities.

Councillor Cole asked whether NTC supported the Newbury Vision, as the Vision had highlighted this area as a potential sports quarter for Newbury, and this application therefore helped to meet the aspirations of the Vision. Mr Barnet believed that NTC would have been supportive of the application if it had provided a like for like replacement, but it was not felt that this was the case.

Mr David Mundy and Mr Paul O'Connor in addressing the Committee raised the following points:

- Mr Mundy represented the Save Our Great Greenacre Institution (SOGGI) campaign and reported that the majority of members wished to keep Greenacres, as it was a community hub and a place to belong to;
- Mr Mundy listed a number of concerns with the new development, believing that: it did not represent a like for like replacement facility; the proposed layout was inadequate; there was not requirement for the transition between the old and new facilities to be seamless; no consultation had been undertaken with current members of Greenacres; the information provided was inaccurate; the application showed no commitment to Newbury as a centre of sporting excellence; there was no safeguarding for the employees currently working at Greenacres or for members who would need to locate an alternative facility during the interim period.
- Mr O'Connor was a representative of the Priory Group who owned the Cloisters, a 24 bed rehabilitation unit for West Berkshire residents with long term needs;
- Mr O'Connor explained that he did not object to the proposal in principle, but he was concerned for the effect on the wellbeing of residents of light and noise pollution from the new facility, and requested that the visual impact not be overlooked. Mr O'Connor considered that the effect of lighting should be checked with the possibility of restricting the hours of lighting.

Councillor von Celsing asked Mr Mundy to elaborate on the errors that he believed had been reported, as the new facility appeared to be an improvement on the old. Mr Mundy listed several areas where he believed errors had been made: A further 40 people were employed at Greenacres on a part time basis; the membership was in the region of 1800, not 1100 as stated; there were double the number of squash players to those stated; and no estimate of usage of either swimming pool or the squash courts had been provided.

Councillor Swift-Hook expressed his concern at the difference in the number of adult members reported, and asked whether Mr Mundy was able to explain the difference. Mr Mundy was not, and added that the numbers also did not include non-members who used the facilities at Greenacres.

Councillor Swift-Hook asked Mr Mundy to explain his statement that members of Greenacres had not been consulted. Mr Mundy understood that although national

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organisations had been consulted on the proposal, the members had not. He would have wished for members to be asked what they would like at the new site, and queried why an outdoor pool was being provided when he did not believe this was wanted by anyone.

Councillor Hunneman asked whether members of Greenacres would transfer to the new facility if there was no gap between its opening and the closure of Greenacres, and also what would members do if there was a gap. Mr Mundy replied that most members did want a new facility if it was a like for like replacement. He added that if there was a gap, members would be lost, and they would feel let down by the Council's Planning Officers.

Councillor Garth Simpson asked what the catchment area was for Greenacres. Mr Mundy believed that members lived within approximately a ten mile radius.

Councillor Bairstow asked how many national competitors were training or playing at Greenacres, and how many competitions were held there. Mr Mundy was able to identify four national competitors at adult and junior levels, and estimated that more than 50 competitions took place across a range of sports. Councillor Bairstow asked if these activities could take place at the new venue. Mr Mundy responded that they could not.

Councillor Cole asked Mr O'Connor what consideration was given to the Newbury Vision when the Cloisters was built, as the area had already been identified as a sporting location. Mr O'Connor was not able to comment as he had not been involved in that decision.

Councillor von Celsing asked Mr Mundy to expand on his opinion that the new facility would be inferior to Greenacres. Mr Mundy explained that whilst supportive of the idea of a new facility, he had expected that it would draw on the desire for a centre of excellence. He believed that without a 25 metre swimming pool, and with the arrangement of squash, badminton and tennis courts as they were, this facility could not be classed as a centre of excellence.

The Chairman considered the apparent effect of lighting on the Cloisters. Mr O'Connor informed the Committee that lighting would be seen from some bedrooms and from the patio area and suggested that lighting should not be used after 9pm. Michael Butler advised the Committee that he had acted as Case Officer for the Cloisters planning application and confirmed that the location near to sports facilities and the associated lighting had been made clear, and he had been informed that residents would be interested in activities taking place around the Cloisters site. Michael Butler added that should a subsequent application for flood lighting be received, this would be considered on its merits.

Mr Sean Bates in addressing the Committee raised the following points:

- Mr Bates was the director of Newbury Rugby Club, a not for profit venture, with members of all age ranges;
- Mr Bates explained that the club had been financially stretched for some time, having inherited a legacy debt. The proposed development would enable the club to clear these debts and would also offer an opportunity to grow the club and offer more sports on the site;
- Mr Bates considered that the proposal would provide a world class facility and found it regrettable that objections to it had arisen. The issues appeared to be in relation to whether the facility would provide a like for like replacement, but Mr Bates offered the view that the facility would be larger and offer a greater sporting opportunity. He commented that the new leisure centre had been designed to be a superior facility to Greenacres, but that it could not be designed by members of Greenacres as it needed a broader view.



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Councillor Bairstow asked how Mr Bates responded to the argument that the facility had omitted to include a 25 metre swimming pool, and that there was one fewer squash court than at Greenacres. Mr Bates responded that consultation had taken place at the Rugby Club, attended by many Greenacres members. Mr Bates believed that the developer had taken into consideration the comments made through consultation but were not able to include all wishes.

Councillor Swift-Hook asked how Mr Bates related the proposed development with the NPPF which required that any sports buildings should be replaced by the same quantity and quality of sports facilities. Mr Bates explained that he was not able to comment on the requirements of the NPPF, but in his position as ambassador for the Rugby Club he saw the proposal as an opportunity to serve the community with increased sporting opportunities.

Councillor Swift-Hook enquired about the Rugby Club's plans to increase its own sporting facilities. Mr Bates replied that the Rugby Club already catered for children, a new sixth pitch was to be constructed, and talks were underway with the relevant organisations to consider whether the pitches could be used for football or hockey.

Mr Steven Smallman in addressing the Committee raised the following points:

- Mr Smallman introduced Mr Taylor, the owner of Greenacres Leisure Club, and Mr Wildsmith, applicant. Mr Smallman was the agent for the development;
- Mr Smallman explained that the proposed leisure centre was linked to the second application for development on the Greenacres site, and that this included cost linkages;
- The Greenacres site was a brownfield site, suitable for redevelopment. As it currently housed a leisure centre, this was required to be replaced with a similar facility, or an assessment to demonstrate that the existing facilities were not required;
- The developments had been subject to considerable consultation including two public exhibitions, and the original plans had been amended as a result of the comments received;
- The new facility would be of greater quality than the existing facilities at Greenacres. Mr Smallman considered that the only element that had reduced was the number of squash courts, but that the two courts proposed were sufficient for the numbers of squash players currently at Greenacres, and would allow competitions to take place. The additional court was considered surplus to requirements;
- The new facility placed great emphasis on families and children having access to sport which was in line with Sport England's aim of increasing participation;
- The new facility additionally provided community benefits, including a cash injection to the Rugby Club;
- Mr Smallman recognised that some objections had arisen from existing members of Greenacres, but he considered that the facility would contribute to the wider infrastructure of Newbury.

Councillor Hunneman asked why two swimming pools were included in the plans, but neither would be 25 metres in length. Mr Wildsmith advised that this was a commercial decision based in part on the population, and the associated increase in staffing levels and the size of the building that would be required for a larger pool. Mr Wildsmith went on to inform the Committee that across the leisure centres that he was responsible for, at least half of adult swimmers would choose the outdoor pool in summer months, and it also provided greater flexibility for swimming lessons and other activities. The use of the

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outdoor pool was of sufficient significance to require outdoor pools to be fitted retrospectively at some locations.

Councillor Swift-Hook remarked on the projected membership numbers, commenting that although the total number of members was expected to increase substantially, there was no associated increase in squash players. Mr Wildsmith replied that the numbers of squash players had been calculated by considering those who would play on a regular basis and that there might be hundreds of casual players in addition. Mr Smallman added that a supply and demand exercise had been conducted by Sports Solutions which had concluded that there was an over provision of squash courts in Newbury. Mr Smallman stated that the developers were not anti-squash and further commented that Greenacres was not considered a centre of excellence for squash. Mr Wildsmith informed the Committee that the facility would provide sporting opportunities for over 1000 juniors and 3500 adults, from the provision of casual sporting activities to professional athletes training facilities. The organisation also provided sports scholarships. There was a desire to develop excellence in people, but also to meet Sports England's aim of 'sports for all'.

Councillor Garth Simpson asked how deep the swimming pools were. Mr Wildsmith replied that they were 1.6 metres deep for the full length of the pool.

Councillor Cole asked, in relation to the desire to provide 'sports for all', whether there would be an increase in membership fees, and whether Mr Wildsmith considered that this might disenfranchise current Greenacres members. Derek Carnegie advised that the cost of membership was not a planning consideration. Councillor Allen asked whether it would be necessary to be a member to use the facilities. Mr Wildsmith confirmed that this would be the case.

Councillor Allen went on to ask for greater detail regarding the consultation that had taken place. Mr Smallman responded that two public exhibitions had been held, one of which was designed specifically for the existing members of Greenacres, and commented that these exercises had influenced the design of the centre, for example the original design had not included any squash courts.

Councillor Hunneman asked whether it would be possible to ensure a seamless transition between the closure of Greenacres, and the opening of the new facility. Mr Smallman responded that a verbal agreement had been reached that Greenacres would remain open for one year from consent being granted for the new development. However this could not be guaranteed. It was hoped that there would be no more than a two month difference. Michael Butler provided further information, advising that the NPPF required that a degree of flexibility be afforded to developers and that unreasonable conditions should not be placed on them. For this reason, it was recommended that a one year difference be conditioned. It was hoped that the time difference would be shorter, but it was not possible to have full control over commercial operations.

Councillor Simpson asked whether the mini-rugby pitches had been a constraint in the positioning of the tennis courts in pairs. Mr Wildsmith replied that this had been the case, along with a desire to position the indoor courts as far from the surgery as possible.

*[9:00pm – The Committee was adjourned for a 5 minute break]*

Councillor Swift-Hook asked Planning Officers to clarify the linkage between this application and the application on the Greenacres site. Michael Butler advised the Committee that the two applications were to be considered individually and on their own merits and could be decided for or against Officer recommendations. However, if this application for a new sports and leisure centre was to be refused by the Committee, then Officers would amend their recommendation for the application on the Greenacres site to one of recommended refusal.

Speaking as Ward Member, Councillor Swift-Hook raised the following points:

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- Councillor Swift-Hook would be supportive of the application if he had considered that it provided a similar level of facility to that being lost;
- Given the imminent arrival of 4000 new residents in the area, the new facility would likely be well needed;
- If the sports centre wanted to be considered as a centre of excellence, it would be required to have improved facilities;
- The benefits being brought to the Rugby Club were welcomed;
- Councillor Swift-Hook was encouraged by the comments that every effort would be made to ensure the time gap between the old and new facilities would be kept to a minimum, but he remained concerned that the Committee were being asked to approve a time gap of one year, especially considering the additional time that Greenacres would need to be closed prior to it's being demolished;
- Concern remained that the number of squash courts was not being maintained;
- Councillor Swift-Hook expressed great concern that the development of this facility would be funded by the loss of 12 affordable housing units at the Greenacres site. He did not agree that it was appropriate to assist the funding of a commercial facility through public money (i.e. the loss of affordable housing)

The Chairman advised the Committee that the issue of affordable housing was not relevant to this application, but was relevant to the next application on the Greenacres site. Michael Butler commented that the Committee were being asked to consider whether permission would be granted for a leisure centre on this site. He clarified that it would be the implementation of the application that would link this to the Greenacres application, and it was within the applicant's rights to do this.

Councillor Swift-Hook requested that the s106 agreement heads be reviewed to remove the link to the other application. Michael Butler suggested that the first header note under the Full Recommendation on page 47 of the agenda pack, linking the two applications, be deleted, and that any linkage be considered only under the Greenacres application. The Committee agreed this amendment.

Councillor Cole asked whether the considerable contribution to Highways would be considered alongside the expected future works on Monks Lane to create an access point to the Sandleford site. Paul Goddard confirmed that the money was a contribution, not a requirement to undertake works, in the knowledge that the Sandleford application was expected. It was also confirmed that the Sandleford development Transport Assessment would be required to take account of any committed development, as was usual practice. Sandleford would then devise works that would accommodate both Sandleford and all committed developments. The contribution from this proposal would then contribute to any works devised.

Councillor Beck proposed that the Officer recommendation to grant planning permission be approved. Councillor Cole seconded the proposal. At the vote the proposal was carried. *Councillor Swift-Hook requested that his abstention from voting be recorded.*

**RESOLVED that** The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the first completion of the required s 106 planning obligation, whose heads of terms are set out below.

1 - The required funding for highway improvements, as noted in the agenda report.[£127,000]

2 - The implementation on an agreed timescale of the new rugby club sports field provision on site.

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If for any reason the required s 106 obligation is not completed by the end of 2014, the application, if expedient, be refused for the following reason.

“Notwithstanding the applicants willingness to do so, the required s106 obligation has not been entered into, which would mitigate the highways impact from the new sports centre, and provide a means of ensuring the implementation of the new centre, plus the new rugby club sports pitches as replacement facilities. Accordingly, the application is contrary to the advice in para 74 of the NPPF of 2012, policies CS5 and 13 in the West Berkshire Core Strategy 2006 to 2026, and the advice in Delivering Investment from Sustainable Development adopted June 2013. It is accordingly unacceptable”.

### **1. CONDITIONS**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2010.

2. No development shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

3. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy ADPP2 of the West Berkshire Core Strategy 2006 to 2026.

4. The new sports centre building shall achieve Excellent under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for the development, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

5. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;
  - a) Completion of the approved landscape scheme within the first planting season following completion of development.

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- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy 2006 to 2026.

- 6. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy 2006 to 2026.

- 7. No development shall commence until the applicant has submitted full details of the fire hydrants to be provided on the application site. The approved scheme shall then be implemented as agreed.

Reason: To ensure public safety is protected, in accord with the advice in the NPPF of 2012.

- 8. No floodlighting or other form of external lighting scheme shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.

Reason: In the interests of visual amenity and/or highway safety. In accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

- 9. No development shall commence until full details of the following shall be submitted to the Local Planning Authority.

- a) Written details concerning any proposed air handling plant associated with the development including;

- (i) the proposed number and location of such plant as well as the manufacturer's information and specifications.
  - (ii) The acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.
  - (iii) The intended operating times.

- b) calculations showing the likely impact of noise from the development;

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- c) A scheme of works or such other steps as may be necessary to minimise the effects of noise from the development;

The development shall not commence until written approval of a scheme under the above has been given by the Local Planning Authority.

Reason: To ensure public amenity is respected, in accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 [saved 2007].

10. No development shall commence until details of the method of discharge of water from the two swimming pools, and the method of intercepting fats, oil and grease, from the building and the car parks, have been submitted to, and approved in writing, by the Council. The development shall then be built out in strict accord with the details so approved.

Reason: To ensure no pollution of the local water system, in accord with the advice in the NPPF.

11. The mitigation measures described in paragraphs 6.3 - 6.22 of the Phase II Reptile and Phase II Bat Survey Report by PV Ecology and dated October 2013 will be implemented in full. No development shall commence on site until detailed Habitat Enhancement and Management, Landscape, and Construction Management Plans have been submitted to the Local Planning Authority for prior written approval. Before the first use of the Sports Centre hereby permitted, a report from a qualified ecologist will be submitted to the local planning authority which confirms that the approved mitigation measures have been implemented in full.

Reason: To ensure the protection of species protected by law and to accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Core Strategy 2006 to 2026.

12. No development shall take place until details of the proposed access(es) into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

13. The sports centre use shall not commence until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. The hours of work for all contractors for the duration of the site development shall, unless otherwise agreed by the Local Planning Authority in writing, be limited to:

- 7.30am to 6.00pm on Mondays to Fridays 7.30am to 1.00pm on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

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Reason: In the interests of the amenities of neighbouring occupiers. In accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

The following informatives should also be applied

- The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.
- The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

### **47(3) Application No and Parish: 12/02884/FULEXT - Greenham**

*(Councillors Tuck, Allen, Beck and Bairstow declared a personal interest in Agenda item 4(2) by virtue of the fact that they were members of Newbury Town Council who had previously considered the application, however they would consider the application afresh. As their interest was personal and not a prejudicial or a disclosable pecuniary interest they determined to take part in the debate and vote on the matter).*

*(Councillor Swift-Hook declared a personal interest in Agenda item 4(2) by virtue of the fact that he was a member of Newbury Town Council and Greenham Parish Council who had previously considered the application, but reported that he would view the application afresh on its own merit. He also reported that the agent for this application was also acting for Greenham Parish Council and he therefore had a professional connection. As his interest could be perceived to be prejudicial but was not a disclosable pecuniary interest he determined to take part in the debate but would not vote on the matter).*

The Committee agreed that an objector to Agenda Item 4(2) be allowed to speak as he believed he had made it known that he wished to speak prior to the meeting, but had not been included on the list of speakers.

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 12/02884/FULEXT in respect of the redevelopment of existing sports facility, and erection of 40 dwellings, with associated parking, garages, access and landscaping.

In accordance with the Council's Constitution, Mr Phil Barnet, Parish Council representative, Mr David Mundy, objector, Mr Sean Bates, supporter, and Mr Steven Smallman, Mr Max Wildsmith and Mr Phil Taylor, applicants/agents, addressed the Committee on this application.

Mr Phil Barnet in addressing the Committee raised the following points:

- Whilst a development of 40 houses would be a benefit to families, Newbury Town Council (NTC) remained concerned that there would be no affordable housing provided;
- The parking provision of two cars per dwelling appeared acceptable, however there was concern that this would result in a significant increase in car movements on Greenham Road;
- NTC were concerned about the effect of root disturbance on surrounding trees during the construction on the site.

Mr David Mundy in addressing the Committee raised the following points:

- The provision of a further 40 dwellings was a positive action, but Mr Mundy believed that it would disenfranchise the 1800 members of Greenacres, in particular senior citizens who considered the centre a community hub;
- Mr Mundy was also concerned that no affordable housing was being proposed.

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- The Chairman requested confirmation that Mr Mundy would want a short gap between the availability of the two leisure facilities. Mr Mundy requested a seamless transition.

Mr Sean Bates advised the Committee that he no longer wished to speak in relation to this application as he had raised all relevant points during the previous application.

Mr Steven Smallman in addressing the Committee raised the following points:

- In Mr Smallman's opinion, this application, and that for Monks Lane were inextricably linked as the development of one would provide the finance for the other.
- Liz Patient advised Mr Smallman that the application for Monks Lane had already been decided, and it would be the approval of this application, on the Greenacres site, that would cause a link to be established between the two sites. Liz Patient went on to advise the Committee and the applicant that the Committee were only concerned with planning issues. The financial connection to the new sports facility was only relevant to the extent that it impacted on the viability assessment relating to the provision of affordable housing on this site at Greenacres. The funding of the new sports facility without planning permission for the housing on this site was a matter of commercial viability.
- Michael Butler clarified that Officers had made their recommendation on the basis of there being no affordable housing on the site.
- Mr Smallman suggested that the discussion should therefore consider whether it was appropriate that no affordable housing provision had been made. He commented that a viability assessment had shown that the scheme could not sustain affordable housing, and stated that an otherwise sound development should not be prevented by planning obligations.
- Councillor Cole commented that it was unfortunate that the Committee had not had sight of the viability assessment. Councillor Cole appreciated the confidentiality of such information, but suggested that, as affordable housing was a flagship policy for the Council, Members should be apprised of all the facts, in order to make a fully considered decision. Councillor Swift-Hook recalled occasions when viability assessments had been disclosed. Mr Smallman explained that there were two methods for undertaking the assessment; an academic approach which used standardised figures, but was less accurate. The preferred method was to use actual costs, but this would necessarily be confidential.
- Councillor Hunneman suggested that a smaller number of affordable houses be provided if the full 40% was not viable. Mr Smallman responded that no affordable housing would be viable.
- Speaking as Ward Member, Councillor Swift-Hook raised the following points:
  - The development appeared to be satisfactory in relation to density, types and styles of housing, and for parking spaces;
  - There remained concerns regarding the loss of the Greenacres leisure centre, but Councillor Swift-Hook appreciated that this application had now been decided;
  - To approve this application would change the allowable use of the land, and Councillor Swift-Hook had not been persuaded that the closure of Greenacres would be beneficial;
  - The location of some of the proposed dwellings would overlook existing houses in Night Owls. These dwellings should be realigned to avoid excessive impact;



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- The greatest concern was the lack of affordable housing provision. This was the second development within the Greenham area in a relatively short time where affordable housing had been forgone. Councillor Swift-Hook suggested that an alternative arrangement be considered to ensure affordable housing was provided, perhaps by following the example of the Parkway development and utilising the off site affordable housing pot;
- *[10:00pm - The Committee agreed to continue the meeting and conclude by 10:30pm]*
- Councillor Swift-Hook suggested that a legal agreement be put in place linking the two applications to ensure that Greenacres would not be demolished until the Monks Lane site was complete.
- Michael Butler assured the Committee that the separation distances between houses had been checked and complied with the minimum distance.
- Michael Butler advised the Committee that should they wish to consider the provision of affordable housing through alternative means, this would almost certainly require the application to be deferred. Should affordable housing be a requirement, a new application would be required to be submitted to take into account the positioning of the affordable plots.
- Derek Carnegie responded to Councillor Swift-Hook's final point by commenting that this approach would advocate the refusal of applications where viability assessments had shown that affordable housing could not be supported. He advised that it was likely that the Planning Inspector would consider appeals to these decisions on a wider package of information, and the numerous benefits would likely result in the Planning Inspector accepting an appeal.
- Councillor Cole agreed that the lack of affordable housing was an issue, and was concerned that a sound decision could not be made when significant information relating to the viability assessment was not available. Additionally, Councillor Cole asked whether it was right that the debts held by the Rugby Club should be cleared at the expense of the provision of affordable homes. Councillor Cole considered that the application should be deferred.
- Councillor Hunneman agreed that affordable housing was paramount and that information relating to viability should be made available.
- Councillor Jeff Beck proposed that the Officer's recommendation to grant planning permission be accepted. The Chairman seconded the proposal.
- At the vote the proposal was lost. *Councillor Swift-Hook abstained from the vote.*
- The Chairman asked whether viability information could be viewed as a Part II – confidential – item. Officers were not able to answer this.
- Councillor Cole proposed that the application be deferred until investigation work had taken place to establish how viability information could be shared with the Committee. Councillor Allen seconded the proposal.
- At the vote the proposal was carried. *Councillor Swift-Hook abstained from the vote.*

**RESOLVED** that the application be deferred in order to allow Officers to obtain further information relating to viability.

### 48. Appeal Decisions relating to Western Area Planning Committee

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

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### 49. Site Visit Arrangements

The Committee agreed that future site visits would be held on Thursday mornings at 8am during British Summer Time and at 9am during Greenwich Mean Time.

*(The meeting commenced at 6.30 pm and closed at 10.15 pm)*

**CHAIRMAN** .....

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