

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 29 JANUARY 2014**

**Councillors Present:** Peter Argyle, Pamela Bale, Brian Bedwell (Vice-Chairman), Richard Crumly, Sheila Ellison, Alan Macro, Geoff Mayes, Tim Metcalfe, Graham Pask and Quentin Webb (Chairman)

**Also Present:** Stephen Chard (Policy Officer), Gareth Dowding (Senior Engineer), Emma Fuller (Principal Planning Officer), Samantha Kremzer (Planning Officer) and Liz Patient (Solicitor)

**Apologies for inability to attend the meeting:** Councillor Alan Law and Councillor Royce Longton

### **PART I**

#### **56. Minutes**

The Minutes of the meeting held on 27 November 2013 were approved as a true and correct record and signed by the Chairman.

#### **57. Declarations of Interest**

There were no declarations of interest received.

#### **58. Schedule of Planning Applications**

##### **58(1) Application No. & Parish: 13/01934/FULD - Land to the rear of 9 - 15 High View, Calcot**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 13/01934/FULD in respect of a proposal for a terrace of three by three bedroom and one by two bedroom houses, external works, car parking and access road. Replacement car parking would be located off-site.

Following Samantha Kremzer's introduction to the report, Councillor Pamela Bale sought clarity on the number of parking spaces proposed as part of the application. Samantha Kremzer confirmed that the proposal included eight parking spaces (two per property). In addition, it was proposed that seven parking spaces would be provided which would serve to replace the garages which were in use/rented by residents. Gareth Dowding added that the seven replacement spaces were identified from a survey of garage use, but the arrangement for reserving/allocating the spaces needed to be confirmed.

Councillor Bale then queried the detail of the proposed S106 Contributions. Samantha Kremzer referred to section 6.8 of the report which confirmed that the applicants had indicated that they were willing to enter into a legal agreement to mitigate the impact of the development on local infrastructure and services. In terms of the actual contributions proposed, Samantha Kremzer apologised that these were omitted from the report, but agreed that this information would be added to the minutes as a post meeting note.

*(Post meeting note: the proposed S106 Contributions were as follows:*

- *Highway* £12,100
- *Education* £20,739.20

## EASTERN AREA PLANNING COMMITTEE - 29 JANUARY 2014 - MINUTES

- *Open Space* £4,474
- *Libraries* £1,169
- *Adult Social Care* £2,778
- *Waste* £224.80)

Councillor Alan Macro queried the fencing proposed to the northern boundary. Samantha Kremzer confirmed that a 1.8 metre fence would be erected, there would then be a passage to enable access to the rear of the proposed properties between the fence and the existing retaining wall. Councillor Macro then highlighted a safety concern for Royal Avenue residents who would lose the barrier to the retaining wall provided to them by the garages if they were demolished. It was agreed that this would be addressed with the applicant.

Councillor Richard Crumly queried the policy changes which had been introduced since the previous application for the site was approved in 2010. Samantha Kremzer advised that the Core Strategy and National Planning Policy Framework (NPPF) had been introduced, however the general drivers for the determination of planning applications were largely unchanged.

Councillor Bale queried whether maintenance of the rear access to the bungalows could be made a condition of approval. Gareth Dowding confirmed that, should the application be approved, the S278 Agreement would involve checks in this area such as whether the access met necessary standards, i.e. disabled access.

Samantha Kremzer confirmed that the location of the waste compound was a condition of approval. Councillor Brian Bedwell was concerned that the storage space for the four proposed properties was inadequate, but Samantha Kremzer responded that this had been assessed by the Council's Waste Officers who raised no objections to what was proposed.

In accordance with the Council's Constitution, Mr Dominic Rys, objector, and Mr Adrian Best, applicant, addressed the Committee on this application.

Mr Rys in addressing the Committee raised the following points:

- He was speaking on behalf of a number of other local residents, many of whom were present at the meeting to demonstrate their objections.
- His property overlooked the application site and the position of his home currently afforded views over an attractive landscape. However, the erection of the four proposed dwellings would remove his privacy and that of his neighbours. It would be possible to overlook the bedrooms and living space of the proposed dwellings and vice versa. This situation would be more of an issue for residents living in the bungalows to the south of the site. Overlooking of gardens was a further issue.
- The close proximity of the proposed properties with existing homes was a further cause for concern, with increased noise levels being one area of concern as a result. Greater consideration was needed in respect of the existing area.
- If approval was granted, Mr Rys felt he would have no alternative but to move.
- He felt the design of the proposal was poor and did not meet the Council's guidelines. It was not in keeping with the existing low housing density in the area and, if approved, would not contribute to the area. It therefore conflicted with the Council's Core Strategy.
- There was a lack of use of the existing garages, but Mr Rys advised that there was a demand for them which would help alleviate parking difficulties.

## EASTERN AREA PLANNING COMMITTEE - 29 JANUARY 2014 - MINUTES

- Mr Rys repeated that the proposal was not in keeping with the character of the area and was concerned that approval could set a precedent.
- Safety was also a concern, particularly for elderly residents, when considering that the one route of vehicle access would become a turning space.

Councillor Bedwell questioned the statement made about the demand for garages when many on the application site were not in regular use. Although he acknowledged that there were parking difficulties on Royal Avenue. Mr Rys explained that many residents were unaware until recently of the existence of the garages as they were not located on a through road, but many were interested in buying or renting a garage in order to park a second car. There was also uncertainty as to how to acquire a garage and there was some anecdotal evidence that following enquiries into renting a garage, residents had been told they were not available.

Mr Best in addressing the Committee raised the following points:

- The application sought to re-establish the permission for housing on the site which was previously granted in 2010 and had expired in October 2013. The design of this proposal was largely identical, however it had been ensured that it matched the current Code for Sustainable Homes. Some minor changes had also been made following discussions with Planning Officers in relation to fence height, additional signage, disabled access and the refuse area, and these were addressed in the conditions.
- The application was in accordance with the Core Strategy when considering that the site was in a sustainable location with good transport links and would provide affordable homes.
- The grant funding for the affordable housing scheme had been confirmed.
- The Council's Housing Strategy Officers were supportive of the proposals as there was a high demand for affordable homes.
- Approval of the application would bring a brownfield site into a greater level of use.

Councillor Bedwell noted that there were a number of conditions should approval be granted and requested an assurance that they would be met. Mr Best provided an assurance that conditions would be adhered to and added that Sovereign had much experience in implementing planning conditions.

Councillor Bale referred to the previously expired permission and questioned why it had not been renewed. Mr Best explained that there had been uncertainty with regard to grant funding and therefore the previous permission had not been renewed. However, the funding had now been confirmed and the development could proceed.

Councillor Macro repeated his safety concern with regard to the northern boundary as Royal Avenue residents would lose the barrier to the retaining wall once the garages were demolished. He queried whether a fence could be erected to sit on top of the retaining wall. Mr Best felt that works to this boundary could be a condition of approval and Samantha Kremzer suggested this be specifically included as an additional boundary condition. Mr Best added that the existing retaining wall would remain and be enhanced if necessary to ensure safety, and he was content to accept this as a condition of approval.

Councillor Quentin Webb sought assurance that the retaining wall would be checked once work had commenced on site and Mr Best confirmed this was a critical piece of work to undertake if permission was granted.

Councillor Tim Metcalfe referred to the southern boundary which would also require a retaining wall and it was also proposed to include some landscaping. He queried how the

## EASTERN AREA PLANNING COMMITTEE - 29 JANUARY 2014 - MINUTES

landscaping would be planted alongside the wall. Mr Best advised that this work would be designed and undertaken by an engineer. Liability for works would be held by the contractor.

Councillor Webb referred to the single point of vehicle access to the bungalows and sought some assurance that it would remain easily accessible, particularly for disabled access. Mr Best agreed this was a critical point as it was the only point of access and added that discussions had already been held with the potential contractor with a view to maintaining this access.

Councillor Bale requested greater clarity on the differences between this and the previously approved application. Mr Best acknowledged that it was a very similar application. However, in order to comply with the Code for Sustainable Homes there was a need for some modifications. These had been discussed with Planning Officers together with areas such as fencing, signage etc as already reported. Conditions of approval had therefore been enhanced.

Councillor Peter Argyle queried the ownership history of the site. Mr Best confirmed the site was originally part of West Berkshire Council's housing stock and was transferred to Sovereign in 1989.

Councillor Argyle then questioned why so few of the garages were let and whether efforts had been made to increase this. Mr Best was unclear on this point, but understood that Sovereign's Property department had raised concerns with regard to the condition of the garages. Ultimately usage had dropped and the site was identified for development.

Councillor Bedwell, speaking as Ward Member, raised the following points:

- There were a number of very important conditions and, should permission be granted, there needed to be a level of certainty that they would be implemented in full. For example, as per the debate, it was important that condition seven – fencing and enclosures, be updated in the interest of safety. Samantha Kremzer repeated the view that this would be best covered as part of a separate condition.
- He felt a reason for the garages being largely unoccupied was due to their distance from the dwellings. He noted that seven parking spaces were to be provided, but questioned whether these could be utilised by those residing in the bungalows as their interests needed consideration.
- Councillor Bedwell also sought clarity on what was covered by the S278 Agreement and whether this included the need to maintain the access road.

Councillor Argyle, speaking as Ward Member, raised the following points:

- He too had concerns for the elderly residents living in the bungalows and highlighted the need for the access to be maintained. These residents would also be considerably overlooked.
- He sought comment from Officers on the garden sizes proposed which he felt appeared small in comparison to existing gardens in the area.

Gareth Dowding explained that two of the seven spaces would be reserved for one property in 9-15 High View. As for the remainder of these properties, no current space was rented and therefore no spaces would be reserved for their use. The provision of the five remaining spaces was to mitigate the loss of the garages that were identified as being in use.

Turning to the S278 Agreement, this was in line with the Highways Act and was between the Highways Authority and the developer. It enabled the developer to undertake highway works at their own cost and it was then for the Highways Authority to adopt the highway if appropriate.

## EASTERN AREA PLANNING COMMITTEE - 29 JANUARY 2014 - MINUTES

Councillor Metcalfe commented that a number of garages could be in use for storage purposes. He also pointed out that parking was already a difficulty as evidenced by site photographs.

Councillor Graham Pask pointed out that currently there was an informal ability for visitors to the bungalows, including carers, to park their vehicles in the area surrounding the garages. He accepted there was no formal arrangement for the bungalows, other than the two reserved spaces, but an informal parking capacity would be reduced and Councillor Pask felt that consideration needed to be given to the residents of the bungalows.

Gareth Dowding clarified that there was no proposal for parking provision for visitors to the bungalows and they did not form part of the planning application. Councillor Pask accepted that legally this was the position, but was concerned when considering visitor parking for the bungalows, particularly carers.

Councillor Pask expressed his sympathy with some of the points made by objectors and if planning permission had not previously been granted on the site for a similar application he might have been minded to oppose Officers' recommendation. However, the previous permission was a factor needing careful consideration.

Councillor Bale stated that while she understood the view of Highways, the Council had a moral obligation to consider the needs of elderly residents and the ability for carers to park in the vicinity etc. She then referred to the previous permission, granted under delegated authority by Officers, and queried the level of consultation undertaken. Samantha Kremzer confirmed that the appropriate site notice had been displayed at the site entrance between June and July 2010, a selection of residents were notified and two letters of objection were received. Therefore due process was followed.

Councillor Pask accepted that car parking provision for the bungalows was technically outside of the application. However, he repeated that areas of the application site would be used by visitors/carers on an informal basis and this ability would be lost by approval of the application. Gareth Dowding explained that the garage site was private, outside of the control of the Highways Authority and therefore the landowner could have fenced the area off if they so wished.

Councillor Metcalfe queried whether the seven spaces would be on private Sovereign owned land or adopted highway and suggested that access to the seven spaces should be unrestricted. Gareth Dowding explained that the location of the boundary needed to be established in order to ascertain whether or not this was on Sovereign's land. If the spaces were on the public highway then it would be difficult to prevent general use.

Councillor Macro requested clarity as to whether the existing five spaces on site were being merged into the seven. Gareth Dowding confirmed that this was not the case and the area of the site containing the five current spaces was the proposed location of the turning head.

Councillor Metcalfe queried why the number of proposed spaces was restricted to seven as he felt this could be extended. Gareth Dowding responded that in theory this could be extended, but Sovereign had taken the view that the provision of seven spaces would mitigate against the loss of the garages and were not obliged to offer more.

Councillor Pask was of the view that there were no planning grounds on which to refuse permission, particularly when considering the previous permission for the site. He also accepted that the concerns he had raised in relation to the bungalows were not technically related to the application. However, as a result of the concerns raised by Members, Councillor Pask was of the hope that Sovereign would give consideration to providing more off road parking.

## EASTERN AREA PLANNING COMMITTEE - 29 JANUARY 2014 - MINUTES

Councillor Pask then proposed to accept Officers' recommendation to grant planning permission subject to conditions, including an additional fencing and enclosures condition, and subject to the use of the seven car parking spaces being unrestricted.

Samantha Kremzer felt that the additional condition could include a requirement, before the commencement of works, for detail on the retaining wall to be submitted, i.e. its maintenance and enhancements if found to be necessary.

Councillor Pask made reference to condition 10 – parking/turning in accordance with plans, which stated that the dwellings would not be occupied until the turning area, vehicle parking for the proposed dwellings and seven replacement spaces had been provided. He felt this condition should be tightened to ensure that the seven spaces were provided and available for use prior to the demolition of the garages. Samantha Kremzer felt this could be reflected in the condition.

Councillor Bale reiterated the request that Sovereign give consideration to the provision of additional parking spaces, although accepted this was separate to this application. Councillor Webb pointed out that this could not be insisted upon, but was hopeful that the Highways Officer and the applicant could give this some consideration. Gareth Dowding agreed that this would be explored.

In considering this application, Councillor Metcalfe stated that he would not want the use of the seven parking spaces to be restricted. Gareth Dowding reminded Members that the seven spaces were provided to mitigate against the loss of the garages and residents who used the garages were entitled to have first say on them. Liz Patient added that the allocation of the seven parking spaces was a matter for the applicant to decide upon, subject to confirmation of land ownership, and these were only provided due to the loss of the in use garages. They were identified as a mitigation measure and would not be available for general use. The applicant was not obliged to allocate these spaces or identify additional spaces.

*(Post meeting note: confirmation from Gareth Dowding that the seven parking spaces would be constructed on highway land. Therefore they could not be allocated to individuals and had to remain free for all).*

Councillor Crumly then seconded Councillor Pask's proposal to grant planning permission subject to conditions, including revised conditions.

**RESOLVED** that the Head of Planning and Countryside be authorised to grant planning permission subject to the schedule of conditions and subject to the completion of a legal agreement by 28 February 2014.

*(Post meeting note: the application had been found to be invalid for technical reasons).*

### **59. Appeal Decisions relating to Eastern Area Planning**

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

Concern was raised by Members in relation to the issues highlighted by Planning Inspectors in forming their decisions. In particular, the decision in relation to the land adjacent to the Olde Forge House, Bath Road, Beenham. Councillor Quentin Webb requested an update/guidance from Officers at the next meeting.

### **60. Site Visits**

A date of 12 February 2014 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 19 February 2014.

## **EASTERN AREA PLANNING COMMITTEE - 29 JANUARY 2014 - MINUTES**

*(The meeting commenced at 6.30pm and closed at 8.00pm)*

**CHAIRMAN** .....

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