

# WESTERN AREA PLANNING COMMITTEE

## MINUTES OF THE MEETING HELD ON WEDNESDAY, 12 JANUARY 2022

**Councillors Present:** Dennis Benneyworth (Chairman), Phil Barnett, Jeff Cant, Carolyne Culver, James Cole (Substitute - in place of Clive Hooker), Andy Moore (Substitute - in place of Adrian Abbs), Claire Rowles, Martha Vickers (Substitute - in place of Tony Vickers), and Howard Woollaston.

**Also Present:** Paul Goddard (Team Leader - Highways Development Control), Lydia Mather (Senior Planning Officer), Sharon Armour (Senior Solicitor), Simon Till (Principal Planning Officer), Vicki Yull (Principal Democratic Services Officer), and Jack Karimi (Democratic Services Officer).

**Apologies for inability to attend the meeting:** Councillors Adrian Abbs, Clive Hooker and Tony Vickers (Vice-Chairman).

### PART I

#### 32. Minutes

The Minutes of the previous meeting were not available to review.

#### 33. Declarations of Interest

Councillors Phil Barnett and Andy Moore declared personal interests in Agenda Item 4(2). As their interests were 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 Carolyne Culver declared a personal interest in Agenda Item 4(1). As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

#### 34. Schedule of Planning Applications

##### (1) **Application No. and Parish: 20/01336/OUTMAJ, Institute for Animal Health, High Street, Compton**

*(Councillor Carolyne Culver declared a personal interest in Agenda Item 4(1) by virtue of the fact that it was situated within her Ward and she is a resident of neighbouring East Ilsley. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter).*

*The Chairman wished to thank the officers involved for making the extraordinary site visit possible.*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/01336/OUTMAJ in respect of the Institute for Animal Health, High Street, Compton. Approval was sought for a hybrid application: 1) Outline planning permission (all matters reserved with the exception of access), for development comprising of up to 160 residential units (Class C3), the provision of landscaping, construction of access and street lighting, car and cycle parking, other associated infrastructure, sustainable drainage systems, engineering works and mitigation measures including the construction of internal roads. The proposal included at least

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- 1.75 hectares of employment land (Class B1) associated with the retention of the Intervet building and a playing field (Class D2) associated with the retention of the existing Cricket Pitch. 2) Full planning permission for the demolition of existing buildings, structures and hardstanding along with preparatory works including earthworks, remediation, utility works and associated mitigation measures. The change of use of land including the creation of public open space and wildlife area.
2. Ms Lydia Mather, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Service Director – Development and Regulation be authorised to grant planning permission subject to conditions and the completion of a S106 legal agreement.
  3. The Chairman asked Mr Paul Goddard, Team Leader – Highways Development Control, if he had any observations relating to the application. Mr Goddard made the following points:
    - There was an existing access on to the High Street which was acceptable with regards to width, geometry and sightlines. Although some further detail regarding sightlines was required, it was considered achievable and was being secured by condition.
    - There were other accesses on to Churn Road that served existing commercial premises, some of which would be retained within the proposal. The accesses to Churn Road would act as emergency access as the site is a cul-de-sac.
    - Pedestrian routes from and across the site / the public rights of way were acceptable to the Council.
    - The site had an existing use and it was suspected that consented uses on the site had a higher level of traffic generation than this proposal. However, Transport Assessment assessed the proposal as if there was nothing there. The area was surveyed extensively at numerous junctions, and it was also modelled using traffic modelling software. No junctions were found to have capacity issues, including the junction on to the A34 at East Ilsley (which had resulted in no objections from Highways England). The traffic modelling was on the basis of a much larger scheme (250 dwellings) but the size of the scheme had now been reduced.
    - There would be (as covered in the S106 header terms) some offsite highway works and pedestrian improvements at crossing points so they could walk from the site to the existing network. There would be a £5k contribution to the Council to monitor the travel plan which was required for a residential development of this size.
    - In conclusion, Highways Officers had no objection to the proposal.
  4. In accordance with the Council's Constitution: Fred Quartermain (Agent), Councillor Alison Strong, Councillor Rebecca Pinfold and Councillor Ian Tong from Compton Parish Council; Andrew Sharp from East Ilsley Parish Council (the adjoining Parish Council); Simon Alcock (on behalf of an Objector Claire Alcock); and Mike Harris (Homes England), Richard Green (AECOM (Masterplan Director)), and Jim Strike (AECOM (Planning Consultant) as the Applicant / Agents, addressed the Committee on this application.

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### **Parish / Town Council Representation**

5. Mr Fred Quartermain, an Agent representing Compton Parish Council, in addressing the Committee raised the following points:
- Compton Parish Council had maintained an objection to this scheme throughout its development as it believed it was the wrong development for this site.
  - The site was an allocated site for 140 units but this application significantly exceeded that figure. The magnitude of this difference changed the impact of the proposed development on the existing community in a fundamental way.
  - The Parish Council and residents had engaged with the planning system in good faith. The site was allocated for an appropriate size of development and the Parish Council had prepared a Neighbourhood Development Plan which had passed examination and was going for referendum. These proposals rode roughshod over that work.
  - The Parish Council had recognised that the site was ideal for a development of the right size, and the statutory development plan set it at 140 units. Larger developments should only be allowed if they can demonstrate no harm. There had been no demonstration here.
  - 140 units must be considered to be the level of development which strikes the right balance between viability and balanced growth. Even with 140 units the development presented a challenge regarding integration with the existing community. At the size proposed those challenges were unsurmountable.
  - This was the textbook definition of unbalanced growth whereby units were shoehorned on to a site with no thought as to the character and function of the existing village.
  - The proposed development saw the demolition of existing facilities. These were no longer viable because the site was closed, not that they were not being used. The facilities were highly valued but were being dismissed as unviable. They were purpose built and could be reinstated.
  - The history of the site as a scientific facility which routinely dealt with infectious diseases and livestock. The result of this planning history was that there was a high probability of significant contamination issues which were broadly dismissed in the officer's report as being dealt with by condition, whilst a normal suite of brownfield land conditions were proposed as if the site was any other industrial site with an industrial history.
  - The Parish Council were clear that the conditions proposed in relation to contamination do not go far enough. They needed to be strengthened to provide further safeguards for existing residents and for the benefit of future occupiers.
  - The Parish Council had also highlighted issues around traffic and access to the site. The conclusion that traffic, and particularly construction traffic, could safely mix with the existing traffic in Compton, particularly school traffic (which clogged the roads on any morning), was far removed from the lived reality of residents.
  - The surveys that informed this position were over four years old and emphasised the flinty nature of the conclusions that had been drawn on them. There was a clear traffic risk here.

### **Member Questions to the Parish / Town Council**

6. Councillor Culver asked for expansion on the number of houses proposed not meeting the allocation in the local plan, how the development would not sit well with the current nature of the village, why the contamination was different to the usual kind of brownfield industrial sites, and any difference in road safety issues between people driving to and from the site when it was a business as opposed to potential

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resident usage. Mr Quartermain explained that the allocation for the site was 140 units and had been assessed through the adoption of the Local Plan as the appropriate size of development for the site. The details of the housing mix were reserve matters at this stage, but the allocation policy was clear at setting a limit of 140 unless an applicant can demonstrate that there was no risk of creating a segregated community separate to the existing village. There had been no publically available documents submitted along with the application which demonstrated that 160 units was an appropriate scale. Councillor Alison Strong highlighted that the site had been the Institute for Animal Health from the 1930s onwards, undertaking research in to infectious diseases in animals, and she had personally witnessed levels of contamination coming in to the village from the site which has had to be remediated. Residents were aware that there had been considerable levels of infectious-type materials disposed of on-site prior to rigorous and robust legal regulations around such materials having been introduced, and there were significant levels of concern around that. Councillor Rebecca Pinfold highlighted that there were also radioactive materials used on site. Councillor Strong explained that the village had grown around the Institute as most jobs there had come with a house. As such, it would be unlikely that the number of vehicles from new residents would be the same as former employees as most had walked from their properties in to work. The secondary school in Compton also serviced a number of neighbouring villages and so there was a high level of traffic around drop off / pick-up times in all entrances / exits of the village. There was also other industry within Compton which had traffic and so there would be a heavy impact on the village roads from this development.

7. Councillor Barnett asked what purposes the Parish Council felt the existing facilities on the site could be used for. Mr Quartermain noted that the facilities that exist on the site were purpose built as community facilities that could cover a range of uses. The suggestion that the gatehouse could be kept and turned in to a community facility when the existing facilities were lost is a lowering in the quality of the facilities that were available, and a missed opportunity to enhance facilities that were there already.
8. Councillor Barnett asked for further clarity on what had been meant by radioactive contamination on the site. Councillor Pinfold referred to a report which she believed highlighted where there were radioactive materials buried in pots on the site, but local knowledge indicated that this might not accurately reflect exactly what was there.
9. Councillor Woollaston queried what the community facilities were on the site before they were closed. Councillor Strong confirmed that there had been a social club and bar, the pavilion for the former cricket pitch, a nurse, a hostel and a squash court. Councillor Pinfold explained that the Parish Council would like to retain the nursery as the current pre-school is at its limits, and the social club which could provide changing rooms and toilet facilities should the cricket pitch be reinstated.
10. Councillor Moore referred to the housing density and queried why the Parish Council felt that 140 units would be suitable but not 160. Mr Quartermain mentioned how the Council had gone to great lengths to adopt policies which set allocations for sites and which were appropriate for the size and scale of development that can be supported on sites. The allocation for this site was for 140 units unless it could be demonstrated that more could be accommodated without causing damage to the community. The number of 140 was carried forward in to the Neighbourhood Plan, and an application for 160 was a significant increase on 140 with no justification for that increase. At a high level principle point of view there was a clear allocation that says 140 units was the maximum that can be supported unless it was demonstrated otherwise. The onus

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was put upon the developer to demonstrate and the developer simply had not done that.

11. Councillor Cole expressed his surprise that the Parish Council accepted the construction traffic for 140 units but not the traffic generated from an extra 20 units. Mr Quartermain expressed his belief that both this particular branch of the objection and the contamination objection are objections that go to the strength of the conditions being imposed, rather than the principle of the development. The objections which attacked the principle of the development relate to the allocation on the site and the way the site is being used, and the missed opportunity in relation for community facilities.
12. Councillor Cole queried whether there was an issue with local children accessing the site and the potential radioactive material and other contamination. Councillor Strong confirmed that it had not been brought to the Parish Council's attention that children had been on the site, and it was used for military and police shooting training.
13. Councillor Cole questioned if school traffic would eventually develop over time to come from within the site. Councillor Strong reiterated the Parish Council's concerns around traffic exiting the site and exiting the village for work purposes at a similar time as high levels of traffic entered the village for schools and work. As such it wished to see conditions around the timings of construction and demolition traffic to mitigate the significant impact on the village.

### **Objector Representation**

14. Mr Simon Alcock (on behalf of Mrs Sarah Alcock), in addressing the Committee, raised the following points:
  - His support for site redevelopment, but his concerns over the waste water management and its impact on the village.
  - How, in the past four years, he had personally suffered a number of flooding issues, including sewage re-entering his house, due to the high groundwater levels and inadequate drainage infrastructure within the village. Extra demand would exacerbate these issues.
  - His concerns about the location and ongoing maintenance of the proposed sustainable drainage systems (SuDS) at the south of the site, one of which would immediately border his property, and its higher elevation than many nearby houses.
  - In the plans the SuDS are to be lined to prevent water infiltrating into surrounding grounds, and potentially the ground is contaminated with biological, chemical and possibly even radioactive materials. He had concerns that the SuDS linings would likely degrade over time and questioned who would be responsible, for example, to regularly inspect and maintain the SuDS to ensure they were not damaged or potentially flooding nearby houses with contamination.

### **Member Questions to the Objector**

15. Councillor Culver invited Mr Alcock to elaborate on the flooding he had experienced. Mr Alcock explained that he had purchased his new build property three years previously and had experienced at least three floods where the sewage pipes had been blocked because of struggles within the capacity. Thames Water and the developers had attended on multiple occasions to clean out all the drains.

### **Adjoining Parish Council Representation**

16. Mr Andrew Sharp, the Vice-Chair of East Ilsley Parish Council, in addressing the Committee raised the following points:

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- East Ilsley Parish Council lay two miles to the northwest of Compton, and was accessed via the Ilsley Road.
- The secondary school in Compton served as the secondary school for the majority of children in East Ilsley, and the Compton Village Store was the only frequently used store within many miles for grocery items.
- The 6a bus travelled between the two villages four times a day, and the two villages enjoy a close alliance on many issues.
- East Ilsley Parish Council continued to strongly object to the proposed development.
- Preliminary site assessment work had identified various sources of contamination which presented a moderate to high risk on the site. It was highly likely that any contaminated items that were collected prior to building work starting would be transported via East Ilsley as the main route to the A34, potentially depositing contaminated items as they passed through.
- The Parish Council supported the requirement for a full and detailed remediation strategy including long term monitoring and maintenance, and requested that in the event of any planning permission being granted this strategy was fully implemented and carefully monitored.
- The principle of a residential development on the site was deemed broadly acceptable up to the level set out in the allocation. Despite a reduction in the number of units from 250 to 160, the additional dwellings proposed over the allocation was not acceptable, and no robust and valid justification of the increase had been provided. The resultant harm that would arise from the additional dwellings and the unspecified employment provision was not outweighed by the need, and was therefore not justified.
- The proposed mix of housing on the site paid little regard to local needs identified in the Compton Neighbourhood Plan.
- In the Area Development Plan, policy 5 of the core strategy which dealt with settlements in the AONB states that a limited level of development will be accommodated to meet local needs, including employment, housing, amenity and community facilities, to maintain the area as vibrant, balanced communities with their own sense of identity. East Ilsley considered that the balance needed to be struck between the potential of the site for development on the basis that it comprises brownfield land and the fact that any proposal respects the location of the site, as well as being compatible with the presiding character of the surrounding village.
- Whilst the application asserted that the proposals will have a negligible impact on the highway network, the Parish Council was particularly concerned about the localised impact of any increase in traffic on the network in East Ilsley and the resultant highway safety.
- The route from the A34 to Compton is through East Ilsley which has a one way system and houses in close proximity to the road. There are few pavements, elderly residents and a primary school. Up to 280 HGVs could pass through during the demolition and build, and 160 houses could attract at least two cars per household, which was a further 320 vehicles in the area.
- This presented huge concerns for the environment and the biodiversity of the area headed out of the village towards Compton. Only one vehicle can pass through a narrow pinch point, which presented queues at peak times already. The scale of additional housing would heavily impact on an already congested area.
- The main route through East Ilsley lay within a conservation area, with many houses and buildings being of significant historical importance. Due to the proximity of the buildings to the road, there was limited (if any) opportunity for road

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widening or the addition of pavements to mitigate the situation. Some of the buildings were regularly struck with coach mirrors for example as they go through.

- The proposed development, even at a reduced numbers of units, would generate increased traffic potential for congestion and conflict between pedestrians and vehicles. Contrary to the design objective policy CS14, traffic conditions were considerably worse when there were problems on the A34, which all comes through East Ilsley. Whilst this was not a matter of proposed development to address, it must be acknowledged that any proposals would result in additional traffic and would exacerbate the congestion.
- In addition, when traffic was using East Ilsley, especially in the more confined locations, there were increased levels of air pollution from vehicle fumes, and poor air quality. The safety of the local environment for increased traffic and the potential for conflict between vehicles and pedestrian would not result in a safe environment.
- The Parish Council objected on the grounds the proposed development failed to take account of the wider impact that would arise as well as the impact upon the character and the period of the conservation area.

### **Member Questions to the Adjoining Parish Council**

17. Councillor Barnett referred to the estimated number of construction vehicles that would come along the road towards East Ilsley, and asked if there were any employees when the site was operational that had come from the A34. Mr Sharp confirmed that he had seen little or no decrease in the traffic since the Institute had closed, which fitted in with the view that the majority of people who worked at the Institute lived in Compton.
18. Councillor Rowles referred to the neighbouring farms in the surrounding areas and queried whether they have an impact on the levels of traffic, particularly larger vehicles going through these villages. Mr Sharp confirmed that there were issues with the pinch point going through East Ilsley, and you could only get one big vehicle through at a time. The farm vehicles already caused problems before you added the construction traffic, as well as 320 cars of new residents.

### **Applicant / Agent Representation**

19. Mr Mike Harris (Homes England) in addressing the Committee raised the following points:
  - That design quality is important to officers and the local community, and Homes England was committed to achieving this through the sale and monitoring of the development should permission be granted.
  - How when Homes England sells sites to development partners, their bids were scored on their design quality and against their reserve matters layouts that they proposed. They were required to meet the governments building for healthy life standards and to adhere to an external assessment that demonstrated how much can be achieved out of a site. Reserved matters layout that they proposed would also be required to go through external design review with Design South East. Finally, before a reserved matters application is submitted, it is signed off by Homes England so that they can ensure that the design quality and sustainability quality is met.
  - In relation to future homes, Homes England placed requirements on bidders to demonstrate how they will meet that in order to highlight their sustainability credentials.

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- In terms of future engagement, if permission was granted Homes England would seek to build and maintain a positive dialogue with the Parish Council recognising the challenges over the last year or so, and want to engage and ensure that they were brought into the design work and were updated on the demolition works.
20. Mr Richard Green (AECOM (Masterplan Director)) in addressing the Committee raised the following points:
- That a scheme had been developed for Compton that they believed was fully responsive to the village and linked to the delivery of new homes and future employment opportunities.
  - The proposals were generated in response to an extensive consultation with planning officers, the local community and with statutory consultees (from which zero statutory objections had been received).
  - The proposals were responsive to various planning documents, including the Development plan as a whole and the Compton Neighbourhood Plan. The Policy requirement was for approximately 140 homes and the application was up to 160 homes, an increase of 14% which was not seen as excessive.
  - Material had also been provided to confirm that the 160 dwellings would not result in harm which was being reinforced by the Planning Officer.
  - It was believed that the scheme for the site would result in long term positive benefits for the village with the release of brownfield land and the removal of redundant buildings.
  - A detailed site investigation had been undertaken which had informed the scheme itself, and had informed the remediation strategy that would be undertaken. The proposal was to fully remediate the site.
  - The scheme resulted in a net increase of green infrastructure. Part of the site would remain undeveloped and the associated biodiversity net gain increase would be approximately 85.5%.
  - Overall the scheme was responsive to Compton as a place. It removed hard boundaries and improved connections to and within the scheme for existing and local residents and new residents to enjoy the site.

### **Member Questions to the Applicant / Agent**

21. Councillor Culver welcomed the net gain in biodiversity but sought assurance for the local community regarding the radioactive waste and other contaminants on the site. Mr Green emphasised that no development would be beneficial if it did not deal with any contamination on site. The site investigation had not been undertaken underneath existing buildings yet as this was part of the next stages. Homes England would retain an overarching view of the scheme and how the site was to be cleaned up which any developer would want reassurance on as well. There were both commercial and practical measures in place to ensure that the site would be cleaned up to a point where it was suitable for residential development. Mr Harris added that Homes England had taken on responsibility for the site and had made a commitment to ensure it was cleaned up prior to any redevelopment. They were supported by competent, internationally renowned consultancies through project management and detailed assessment work. Other statutory agencies such as the Environment Agency also had to be satisfied that they can surrender the environmental permit that Homes England holds on the site.
22. Councillor Rowles referred to the gatehouse being proposed as a community asset and questioned whether that replaced the facilities that had been lost on site, and what proposals there were, if any, for the reinstatement of the cricket pitch and pavilion. Mr Harris confirmed that the cricket ground was identified in local policies as



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the local green space, and in the referendum version of the Neighbourhood Plan. It had been understood from the outset that it needed to be retained, but the detail of how that would be secured would be discussed after planning had been granted, particularly given the very poor state of repair that the pavilion was in. Further discussions would also be required on the use of the gatehouse as a potential asset for the community. The previous facilities on site closed at the point at which the Institute closed and so had not been available for a number of years, though it was recognised they performed an important role in the community at that time.

23. The Chairman referred to the aspiration within the Neighbourhood Development Plan for the retention of a number of buildings, and questioned whether the hostel is viable within the wider project. Mr Harris advised that the hostel buildings were not suitable for modern living and not designed as individual properties. Their condition and the requirement to bring them up to current standards, as well as aspirations for net zero, meant they were not feasible or viable.
24. Councillor Vickers expressed her disappointment that the hostel building could not be retained and used for another purpose if it was not suitable for accommodation. Mr Green confirmed that none of the work done on illustrative layouts for the scheme allowed for the integration of the hostel because it simply did not work.
25. Councillor Woollaston queried why 160 units had been chosen rather than 140 units given the difficulties it was presenting. Mr Harris reiterated his belief that the site would accommodate 160 in master planning and landscape impact terms. The government was committed to the reuse of brownfield land, and Homes England was sensitively using the site by making best use of previously developed land to provide some affordable housing.
26. Councillor Cant expressed his concerns regarding how the foul water and water supply infrastructure would deal with an additional 160 dwellings without exacerbating existing flooding concerns, and the potential impact on the community of a protracted development delayed by infrastructure development. Mr Harris referred to the consultation response from Thames Water which had not objected subject to imposition of the condition requiring the infrastructure improvements to be put in place. Therefore, until Homes England and / or the developer was able to meet and discharge that condition then development would not take place. Mr Green described how Thames Water could not assess a detailed scheme because a detailed layout had not been provided to them. It was therefore normal for them to put a condition in place that would be developed through the reserved matters process. The detail would be resolved through the construction management plan and then through the contractor who would have to resolve and respond to the reserved matters issues.
27. Councillor Barnett queried if the proposed 18 month time period for the demolition and decontamination of the site was overly conservative. Mr Harris advised that Arcadia had been engaged and had worked up a detailed specification for demolition in the mediation programme. Their initial view based on their professional judgement was around 18 to 24 months. A procurement exercise was also currently being undertaken and large, experienced contractors had provided their views on what the likely programme would be, hence why 18 months was expected.
28. Councillor Cole, as Heritage Champion for West Berkshire Council, expressed his disappointment that the hostel buildings would be demolished, and asked if clarity could be provided as to why. Mr Green confirmed there were a number of aspects involved such as contamination, removal of the ground floor slab, making sure the site was fully cleaned up, the layout of the site as a whole, and the viability of how a

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comprehensive development should take place which had led to the conclusion that the hostel and other similar buildings on the site could not be retained. A detailed site assessment had been undertaken early on in the scheme which looked at retention as a potential solution, but that had concluded the site needed to be fully remediated in order to bring it to a point where comprehensive development could take place.

29. Councillor Cole asked what the plans were for the long term maintenance of the green areas and trees on the site. Mr Harris advised that ultimately this was for the reserve matters application but that he would expect planning officers to seek to secure a maintenance and management regime through that process. Homes England also placed importance on design, stewardship and the long term creation of place, and so would not sign off for submission if they were not satisfied with the developer proposals which added another layer of protection.

### **Ward Member Representation**

30. Councillor Carolyne Culver, in addressing the Committee, raised the following points:
- There were around 330 objections to this planning application, including from local villages, the significance of which needed to be appreciated.
  - The village currently had 624 homes. An addition of 160 represented a 25% increase in its size.
  - The positive things that had been mentioned so far including the retention of the cricket pitch, the Green Zone at the top of the site, and the employment zone.
  - That the retention of the hostel could improve the housing mix on site with its potential to be used to create one and two bedroom properties.
  - That the application did not meet the need for one bedroom homes outlined in the Strategic Housing Market Assessment of 2016 or in the Council's Housing Strategy for 2020 to 2036.
  - The Strategic Housing Market Assessment identified that 48% of affordable homes in West Berkshire should be 1 bedroom on a brownfield site like this (with 30% affordable housing). This should result in 23 affordable one bedroom homes on this site but there were none proposed in the application.
  - The Homes England representative had mentioned that one of their objectives was to provide more affordable housing on behalf of the government, but this proposal was not meeting what the Council had outlined in its plans and strategies.
  - According to the same Housing Assessment, 9% of market homes should be 1 bedroom. This would equate to ten market 1 bedroom homes on the site and there were none.
  - According to the Housing Strategy only 20-25% of all market homes, and 5-10% of affordable homes needed to be 4 bedroom or above, whereas this application had 35%.
  - How COVID had demonstrated the need to have extended families staying in the same area to help alleviate the pressures on adult social care and the shortage of carers. Smaller homes would enable young adults to remain in their local area and allow older residents to downsize.
  - The traffic difficulties that would be experienced in the area from an 18 month demolition programme prior to construction beginning. Councillor Culver suggested that a condition could be added stating that demolition and construction vehicles should not be moving during school hours.
  - Resident concerns regarding contamination on the site with the current uncertainty as to what is buried where.

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- The Environment Agency had concerns about pollution of groundwater and Councillor Culver suggested that the conditions could be strengthened with regards to that.

### **Member Questions to the Ward Member**

31. Members did not have any questions of clarification.

### **Member Questions to Officers**

32. Councillor Moore referred to the use of the word 'approximately' in terms of the allocation and queried what officers believed that meant in terms of plus or minus figures. Mrs Mather clarified that, through the planning policy work when the site was allocated, the housing number was identified primarily due to landscape and AONB considerations. It did not give a maximum, it gave an approximate, and it did not give guidance on whether that was plus or minus 10%. Mrs Mather believed this was to allow for proposals to come forward that could then be assessed in terms of their impact on the character of the village and the AONB. The application started off at 250 and included housing in Area A to the north, and in consultation with the landscape consultant it had reached the point where it was felt that 160 units could be accommodated within the site given the size of the site within the parameters. The number had been accepted from a planning point of view in terms of its impact, alongside the highways impacts mentioned earlier. The figure being approximate did not set a maximum in terms of the reference from Compton Parish Council. Their Policy C2 stated that the housing number should remain approximately 140 and that any additional development beyond that should be justified. The justification it set out was in terms of landscape / scenic beauty impacts on the AONB.
33. Councillor Rowles queried why the application was being considered prior to the referendum on the Compton Neighbourhood Plan, why the transport assessment from June 2017 was being referenced and not a more up-to-date assessment, and how the impact on the wider highways area was assessed. Mr Goddard confirmed that extensive surveys were undertaken at all junctions going as far as Aldworth, Hampstead Norris and East Ilsley. The traffic surveys all took place in June 2017 and represented more accurate data than any gathered during or since COVID. Mr Goddard referred to Condition 19 in the report that detailed the construction management plan and the dictation of routes and times of deliveries to help mitigate any harm at pinch points. Mrs Mather advised that the initial statutory target date for this application was September 2021 and at that point in time, until relatively recently, the Compton Neighbourhood Development Plan carried limited weight because it had been progressing alongside the application. It carried full weight once adopted following a referendum. Officers had been assessing the scheme against the Neighbourhood Plan but the weight had changed as the application progressed. Officers were unable to assume at any stage that it would be progressed, agreed or adopted. This item had also been scheduled for consideration by this Committee at its meeting on 15 December but had been deferred. The Neighbourhood Development Plan had been fully taken into account in terms of where it was now and the weight that it carried, and officers had made a full and reasonable assessment against those policies.
34. Councillor Culver asked for clarification on why the employment area was not referenced in the conditions, whether it would be protected in perpetuity until such time as an application came forward requesting a change of use, and how zero carbon was going to be achieved. Mr Till explained that the requirement in terms of the conditions was for delivery of a zero carbon energy source site in line with policy CS15 and the terms of the legal agreement were a separate thing. However, in order

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to comply with the conditions of a planning permission that was granted for this, it would need to meet the requirements of CS15 rather than anything set out in the legal agreement. The requirements of the conditions would effectively supersede that aspect of the legal agreement. In terms of delivery, this was an outline planning permission in respect of the actual developed area itself that was being sought. Mr Till advised that those details would need to come forward with a strategy appropriately in discharge of the condition and requiring compliance with policy CS15. There was also details in terms of design and layout, which might crucially affect the ability of the development to comply, that are reserved matters in this particular case. Mrs Mather advised that the proposed employment area would be effectively a change of use of lands, but as it did not have development it was controlled by the permission in terms of the commencement of change of use. It was included in the terms of the demolition and removal of hardstanding so that it was ready to be developed. There are phasing plans, reserved matters and so on that that would need to be applied for on different parts of the site. Mrs Mather confirmed that it would be controlled and would need a change of use if a planning application or proposal came forward for an alternative use.

35. Councillor Cole queried if it was possible to condition the idea of district heating to be considered under future reserve matters given the suitability of the site for this approach. Mrs Mather advised that it depended on how it would be provided as to whether it might need permission in its own right. The view taken by officers had been that the condition for zero carbon would effectively include measures in line with the principles of sustainable heating, and electricity generation on site could be dealt with by that condition. Mr Till confirmed that it could be something to be included in an informative for exploration through a statement to be submitted with reserve matters.
36. Councillor Cole asked if the recommendation would have been to refuse the application (on the basis of it being 160 instead of 140 units) if the Compton Neighbourhood Plan had already gone to referendum. Mrs Mather confirmed that officers would not be recommending refusal if the Neighbourhood Plan carried full weight. It had carried considerable weight, and not much less than full weight in its current form. The Neighbourhood Plan also mentioned 'approximately 140' and for any additional to be demonstrated through landscape impact assessments and assessments in order to be considered acceptable. The Parish Council opinion was that it had not been justified whereas officers were of the view that those matters had been considered and found acceptable.
37. Councillor Barnett queried what would be recommended in relation to the travelling times of demolition / construction traffic accessing the site. Mr Goddard confirmed that school opening / closing times would be ascertained to avoid HGV movements half an hour on both sides of that. This was standard practise with developments relatively close to schools.
38. The Chairman asked for further information on the clean-up of any contamination on the site. Mrs Mather advised that the conditions recommended on land contamination had been based on the conditions provided by the Environment Agency and Environmental Health as specialists in considering those matters. There had been a site investigation submitted and fully considered by those officers and planning officers who were content that the wording covered eventualities and was detailed regardless of the extent and seriousness of the contamination.
39. The Chairman queried who would be responsible for waste water management and how any potential future degradation of the facilities over time would be managed.

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Mrs Mather confirmed that the conditions and the planning obligation matters for the open space and landscape management, and the management of SuDS, allowed for transfer to management companies, to the District Council, or to the Parish Council. There were triggers in there for the land transfer and the management of those features.

40. Councillor Rowles asked for further clarity on the requirements under the Council's policies for one bedroom properties. Mrs Mather advised that the housing mix was a reserved matter as part of the layout and what was presented was indicative based on the illustrative master plan. It mentioned in the report that it did not fully comply with the Strategic Housing Management Assessment but officers would be looking for an alteration for that at reserve matters. The point of the illustrative layout was to show that you could get a housing mix and that number of houses within the parameter plans. There were also limits on heights to ensure that there would be some single story dwellings provided.
41. Councillor Moore queried whether changing the housing mix on the site to include more one bedroom properties would make the difference from 140 to 160 less controversial. Mrs Mather confirmed that this would come down to reserve matters as layout, scale and housing mix would alter how the development worked on the site. However it would still need to comply with policies and still need to go through a similar process in terms of the impact on landscape and so on.
42. Councillor Culver queried if it would be acceptable to condition a pedestrian crossing on the High Street, bearing in mind the increased number of people that would be trying to cross the road. Mr Goddard advised that there were some pedestrian improvements requested as part of the Section 106 terms. The details had yet to be determined at this stage so it was unknown if it was a signalised pedestrian crossing.

### **Debate**

43. Councillor Culver opened the debate by indicating she would not support the application as it did not meet Policy CS4. Councillor Culver highlighted that the hostel could be refurbished which would be more carbon friendly than demolition and rebuilding, and the need for more one bedroom properties as set out in the Council's housing strategies and assessment which could be provided by converting the hostel building. Councillor Culver referred to the local need for facilities on the site that had been previously open but were now closed, and stated that the gatehouse being provided as a community asset would not replace those facilities adequately given its size and unsafe proximity to the entry / exit point for the site. Councillor Culver also referred to the contamination report and highlighted where one sample had been taken from the animal remains in the sheep pen and in situ testing identified it contained above background levels of radiation. It was being recommended that the material was sorted on site in the presence of a radiological protection supervisor and disposed of off-site by being buried at depth. Councillor Culver argued that this issue should have been dealt with before thinking whether this was an appropriate place to build homes.
44. Councillor Cant referred to the in-depth and complex report provided on the site and the impact any development would have on the local community whilst construction was under way. Councillor Cant then mentioned the ethos of Homes England which was thorough and almost over cautious in ensuring brownfield sites were thoroughly cleansed before construction commenced. He had been reassured by the observations of the Homes England representative and indicated his support for the application.

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45. Councillor Barnett stated that whilst he welcomed the use of a redundant site he would be saddened to see substantial and well-built buildings demolished which could possibly have been put to some other use. Councillor Barnett also expressed his concern over the issue of radioactive materials buried in unknown areas on the site, what that would involve in relation to underground seepage in to water courses, and the time required to decontaminate and remediate the site. Councillor Barnett questioned if the existing amenities in the village such as the school and Doctors Surgery could accommodate the additional residents and concluded that more vehicles would travel in and out of the area. Councillor Barnett agreed with the regeneration of the site but thought it was being done in the wrong way, and therefore would not be supporting the application.
46. Councillor Rowles agreed with the principle that the site needed something done to it but had concerns around the length of the clean-up and the impact that would have on the local community over a potentially long period of time. Councillor Rowles expressed disappointment that the community seemed to lose significant assets, as well as the demolition of perfectly good buildings, and highlighted that community assets could be invaluable in integrating new residents in to the local community. The gatehouse suggested as a replacement appeared to be a fairly limited building which to her mind did not replace the extent and value of the previous facilities. Councillor Rowles also expressed concerns that Compton Parish Council had gone to great lengths to develop its Neighbourhood Development Plan (which had been commended by Council) and she believed that the application should not have been heard before the Plan had come to fruition as it appeared to be dismissive of the Plan.
47. Councillor Cole referred to the benefit to the village from the removal of the contamination but expressed disappointment about the demolition of existing buildings to fit in with the overall picture of the site.
48. Councillor Woollaston referred to the fact that this was an outline application only and not a detailed application. The applicant was responsible and government-backed, and the existing buildings needed to be demolished. Councillor Woollaston suggested that an informative could be added on the consent to look at more one bedroom properties and additional community use. Councillor Woollaston proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report, with an amendment to the heads of terms for the S106 Agreement to reflect the zero carbon condition. Councillor Cant seconded the proposal.
49. Councillor Moore agreed that at some point the site would need to be remediated, cleared and developed but he questioned if this proposal was right in terms of the development and timing, particularly given the upcoming referendum on the Compton Neighbourhood Plan, and suggested that this should be considered in a few months' time.
50. Councillor Vickers referred to the potential for providing community facilities on the site and understood the number of objections from local people and the Parish Councils which could not be ignored. Councillor Vickers agreed with the suggestion to postpone decision on the application until after the referendum to show respect for the work that had been put into it. Councillor Vickers referred to the concerns raised regarding contamination but highlighted that the report, in other matters, stated that no development would go ahead until plans had been brought forward as to how the contamination would be dealt with which provided protection.

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51. Councillor Culver requested additional conditions be added regarding testing for water contamination and adopting the suggestions made by Mr. Goddard with reference to the number of vehicles during school hours. Councillor Woollaston confirmed his agreement for these to be added to his proposal and Councillor Cant indicated his support as seconder.
52. Councillor Cole referred to other informatives discussed during debate and asked if they were being added for decision. Mr Till advised that the informatives he had captured in debate that may be proposed were: exploration of community use on site; further exploration of the housing mix to provide more one bedroom properties; an exploration of the provision of district heating, and; to amend the contaminated land condition 18 to include groundwater testing. Councillor Woollaston confirmed his agreement for these to be added to his proposal and Councillor Cant indicated his support as seconder.
53. Mr Till reiterated an earlier point that while the referendum had not been held on the Neighbourhood Development Plan, officers had given it essentially an almost equivalent level of weight in terms of decision-making and he was therefore satisfied that the recommendation officers had made would not be altered in terms of the adoption or otherwise of the Neighbourhood Development Plan at this stage.
54. Councillor Rowles queried what the informatives meant in terms of conditions, and whether it meant that they would be explored or discussed and if it provided comfort that the community would secure some further assets. Mr Till confirmed in those terms an informative is a direction to the applicant. So in this particular case looking at an outline permission it would be a direction to the applicant regarding documentation that they should submit with the reserve matters. It would be looking at the expiration of those matters within the reserve matters application with the applicants demonstrating how they have explored potential further delivery on community use. Mr Till also highlighted that at this point it was not a foregone conclusion that Members would approve any reserve matters application if they were not satisfied with the proposals that were put forward as part of it.
55. Councillor Rowles emphasised the perception to the public and the timing around this application and the referendum, and acknowledged that whilst the Plan had been taken in to consideration it was important to show the weight put upon them.
56. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Cant, to grant planning permission. At the vote the motion was rejected by four votes in support and five against.
57. Councillor Culver proposed to reject the Officer's recommendation and refuse planning permission. This was seconded by Councillor Barnett. The reasons for refusal put forward by Councillor Culver was that it contravened Policy CS4 and that the site should be decontaminated before future use was discussed.
58. Mr Till had reservations about the reason offered in respect of CS4 and housing mix as Officers had advised that the housing mix was something that would be held over to the reserve matters application. He expressed concerns that CS4 would not hold weight as a refusal reason for this application because it would be a refusal reason addressing the wrong part of the planning application process. Mr Till invited Councillor Culver to expand on the contaminated land reason for refusal.
59. Councillor Culver reiterated her belief that the site should not be developed until the contamination issue had been dealt with. Councillor Culver was unclear how similar situations had been dealt with elsewhere in the country, but the evidence

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demonstrated significant known contamination as well as whatever would be found once work began.

60. Mr Till advised that the National Planning Policy Framework directed the use of appropriate conditions for addressing issues within planning applications. In this particular case, recommended condition 18 stated that no phase of the development hereby granted outline planning permission, demolition or groundworks associated with the change of use, would take place until a scheme to deal with the contamination at the site had been submitted and approved in writing by the local planning authority. It stated that shall include an investigation and risk assessment, and it further stated at point B that it would include a remediation scheme which ensured that after remediation, as a minimum, the land shall not be capable of being determined as contaminated, and a contaminated land under part 11A of the Environmental Protection Act 1990. Mr Till expressed concern that this condition sought to fully address the decontamination of the site and all outputs from that decontamination prior to development works commencing.
61. Councillor Culver then referred to the existing Local Plan which stated there should only be 140 homes on the site, and expressed concerns of over-development of the site.
62. Mr Till confirmed the Supplementary Planning Documents allocating the site, and the emerging Compton Neighbourhood Development Plan, both stated that the site should provide approximately 140 houses and the proposal on the table was for 160 houses. He invited Members to consider and specify any particular concerns as to why 160 houses would not be acceptable in this particular case, for example landscaping impact or additional impact on highways whereby an uplift in housing could result in harm.
63. Councillor Culver referred to the impact additional vehicles would have on Compton and East Ilsley as well as demolition and construction traffic, and stated her opinion that it was not appropriate for a development that increased the size of the village by 25% to have demolition and construction traffic passing through small, one lane, blind bends. Councillor Culver also raised the impact the development would have on infrastructure such as the Doctors Surgery, the primary school and the secondary school which would not support a 25% increase.
64. Mrs Mather advised that the infrastructure matters mentioned were covered by the Community Infrastructure Levy.
65. Councillor Moore expressed sympathy for the residents of Compton and East Ilsley for the demolition movement which would have to happen to clear the site, but felt that the difference in construction traffic between 140 and 160 homes would be minimal.
66. Councillor Cole set out how he believed the Neighbourhood Development Plan had been ignored by officers, and no justification had been provided for 160 units rather than 140. Councillor Cole also suggested a further reason for refusal could be highways reasons relating to traffic in the longer term from residents of the site. Councillor Culver amended her proposal to remove construction traffic as a reason for refusal and replaced it with long term residential traffic. Councillor Barnett as seconder supported the amendment.
67. Mr Till clarified the reasons for refusal he had noted which were that the proposed development would be contrary to the Supplementary Planning Document and Neighbourhood Development Plan in respect of the number of dwellings proposed. This would result in additional impacts on infrastructure, in particular disruption due to



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increased amounts of long term residential traffic resulting in harm to residential amenity and highway safety. Also, that the proposed works would not address contamination at a suitable point in relation to development, and that the proposed housing mix would be contrary to the requirements of Policy CS4.

68. The Chairman invited Members of the Committee to vote on the proposal by Councillor Culver, seconded by Councillor Barnett to refuse planning permission. At the vote the motion was tied with four votes for, four votes against and one abstention. The Chairman used his casting vote and the proposal was rejected.
69. Councillor Woollaston proposed that consideration of the application be deferred until after the Compton Neighbourhood Development Plan had had its referendum. This was seconded by Councillor Moore.
70. The Chairman invited Members of the Committee to vote on the proposal by Councillor Woollaston, seconded by Councillor Moore, to defer consideration of this application. At the vote the motion was carried with six votes for, two against and one abstention.

**RESOLVED** that consideration of Planning Application 20/01336/OUTMAJ in respect of the Institute for Animal Health, High Street, Compton be deferred until such time as the outcome of the referendum on the Compton Neighbourhood Plan be known and subsequently, if agreed, its adoption had been implemented.

### Continuation of meeting

71. In accordance with the Council's Constitution point 7.13.5, the Committee supported the Chairman's Motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(2).

(The meeting was adjourned at 9.41pm and reconvened at 9.47pm).

### (2) **Application No. and Parish: 21/01911/FULD Land Adjoining, 11 Pond Close, Newbury**

*(Councillors Phil Barnett and Andy Moore declared a personal interest in Agenda Item 4(2) by virtue of the fact that they were members of the Planning and Highways Committee on Newbury Town Council which had considered this application. As their interests were personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter).*

72. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/01911/FULD in respect of Land Adjoining 11 Pond Close, Newbury. Approval had been sought for the removal of derelict garages and the erection of two houses and two flats, together with associated landscaping and parking, and had been refused by this Committee at its meeting on 3 November 2021 for (1) Highway safety and general amenity, and (2) zero carbon development reasons.
73. Following advice from planning policy and an accompanying legal counsel's opinion regarding the correct interpretation of Policy CS15 under the current policy context, the Committee was being invited to consider whether a fresh resolution would be required in respect of the zero carbon development reason for refusal. It was not proposed to re-open the debate regarding the Highway safety and general amenity reason for refusal.
74. Mr Simon Till, Principal Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. Mr Till highlighted the concerns regarding the second reason for refusal, in that it was based on a misinterpretation of planning policy in terms of

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seeking zero carbon energy on a minor development. Mr Till explained in more detail the advice received since the 3 November 2021 meeting which, in summary, was showing there is no policy basis on which the Council could lawfully require residential development to come forward on a zero carbon basis, and that the requirements of policy for zero carbon energy only applies to major residential development.

75. In light of the above, the Planning Officer's recommendation was for a refusal on the basis of the first reason for refusal only (highway safety and general amenity), and the omission of the second reason (zero carbon development).
76. The Chairman asked Mr Paul Goddard, Team Leader - Highways Development Control, if he had any observations relating to the application. Mr Goddard referred to the concerns he expressed at the meeting on 3 November 2021 which had included: (1) That parking on the site for residents had been lost some years ago when the land was sold, and the Council does not have any policies to protect parking facilities like that from what is a private land transaction; (2) That highway reasons had not been a consideration when refusing the previous, much larger planning applications for this site; (3) The proposal complies with the Council's parking standards, and; (4) The difficulties with access being cited as a reason for refusal given the proposed improvement works to Pond Close as part of the development. Mr Goddard reiterated his previously expressed concern should highways considerations be the only reason for refusal for this application.
77. In accordance with the Council's Constitution Mr Nigel Foot from Newbury Town Council addressed the Committee on this application.

### **Parish / Town Council Representation**

78. Mr Nigel Foot from Newbury Town Council in addressing the Committee raised the following points:
- The application had been considered by Newbury Town Council's Planning and Highways Committee which had objected to it on the grounds of over development of the site, the parking issues, and concerns about the limitation of emergency vehicle access to this road.
  - With the proposed development, it was felt that there would be extra cars from both residents and visitors, and this would exacerbate the current difficulties in accessing that road (emergency vehicles have not been able to go down that road because of the number of existing cars parked).

### **Member Questions to the Parish / Town Council**

79. Members did not have any questions of clarification.

### **Member Questions to Officers**

80. Members did not have any questions of clarification.

### **Debate**

81. Councillor Martha Vickers opened the debate by proposing to accept the Officer's recommendation to refuse planning permission for the Highway safety and general amenity reasons agreed by this Committee at its meeting on 3 November 2021, and omitting the second reason given at that time for refusal. This was seconded by Councillor James Cole.

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- 82. Councillor Barnett expressed his reservations that any improvements to access at Pond Close would address the pinch points and the access leading off Elizabeth Avenue, which would remain as a major issue.
- 83. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Cole to refuse planning permission. At the vote the Motion was carried by six votes for, two against, and one abstention.

**RESOLVED that** the Service Director for Development and Regulation be authorised to refuse planning permission for the following reasons:

**Reasons:** Pond Close is a narrow residential road serving a number of properties. Parking is tightly constrained in the vicinity of the application site, a situation that has been compounded by the historic loss of private residential parking on the location of the application site and limited alternative parking provision, resulting in the need for residents to utilise on street parking for their vehicles. The proposed works would result in an increased demand for parking, with the size of rooms in the proposed flats resulting in potential multiple occupation, overdeveloping the site and increasing the demand for parking associated with the development beyond the number of parking spaces provided, and the reduction in on street parking reducing the general amenity of existing residential occupants of Pond Close, detracting from the quality of life of existing residents and compounding existing access problems for residents' vehicles and emergency vehicles, endangering highway safety. The proposed works would therefore be contrary to the requirements of Policy P1 of the West Berkshire Local Plan Housing Site Allocations DPD (2017) which specifies that there may be exceptional circumstances where there is a case for providing parking that does not accord with the levels set out in the policy, and notes in its supporting text that levels of parking provision and the way in which they are designed are important factors in creating good quality environments. The proposed works would fail to meet the requirements of Policy CS14 of the West Berkshire Local Plan Core Strategy 2012, which requires development to make good provision for access by all transport modes and to make a positive contribution to the quality of life in West Berkshire. Furthermore, the proposed works would fail to take account of local circumstances contrary to paragraph 9 of the National Planning Policy Framework and would result in the loss of valued facilities for parking for existing residents, contrary to the requirements of paragraph 93 of the National Planning Policy Framework.

*(The meeting commenced at 6.30 pm and closed at 10.00 pm)*

**CHAIRMAN** .....

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