

These Minutes have been amended. Please see Minutes of 9 March 2022 for amendments

## **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 19 JANUARY 2022**

**Councillors Present:** Graham Bridgman (Substitute) (In place of Tony Linden), Alan Law, Royce Longton, Ross Mackinnon, Alan Macro (Vice-Chairman), Geoff Mayes, Graham Pask (Chairman) and Richard Somner

**Also Present:** Stephen Chard (Democratic Services Manager), Bob Dray (Development Control Team Leader), Paul Goddard (Team Leader - Highways Development Control), Bryan Lyttle (Planning & Transport Policy Manager), Kim Maher (Solicitor), Lydia Mather (Principal Planning Officer), Gareth Ryman (Principal Ecologist) and Shiraz Sheikh (Service Lead - Legal & Democratic)

**Apologies for inability to attend the meeting:** Councillor Tony Linden and Councillor Keith Woodhams

#### **PART I**

#### **30. Declarations of Interest**

All Councillors declared an interest in Agenda Item 3(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### **31. Schedule of Planning Applications**

##### **(1) Application No. & Parish: 19/00113/OUTMAJ - Land East of Pincents Lane, Tilehurst**

*(All Councillors declared that they had been lobbied on the item. Councillor Graham Bridgman advised of lobbying material he had received within the past five working days which he had disregarded as it was not received within the statutory time period.)*

*(Councillors Geoff Mayes, Graham Pask and Royce Longton declared a personal interest in Agenda Item 3(1) by virtue of the fact that they were members of the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT). 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 Geoff Mayes declared a personal interest in Agenda Item 3(1) by virtue of the fact that he was a member of the Campaign to Protect Rural England (CPRE). 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 Richard Somner declared a personal interest in Agenda Item 3(1) by virtue of the fact that he was known to many of the public attendees present at the meeting; he had received communications relating to the site in his capacity as Executive Member for Planning; he was formerly the Ward Member for this part of the District and was a current Member of the Parish Council, as well as being a local resident; and he lived in the local area. He had however not been involved in any lobbying activity and would be reviewing the application with an open mind. As his interest was personal and not prejudicial or a*

## EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES

*disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 3(1)) concerning Planning Application 19/00113/OUTMAJ in respect of a hybrid application: outline for up to 165 dwellings on the western part of the site and a 450sqm (GIA) of floor space building in use class E to be offered initially to provide a community healthcare hub under use E(e) and excluding use E(g); engineering operations on the area covered by the outline application to create suitable gradients for internal site roads and development platforms for the residential development; and full application for change of use of the eastern part (8ha) of the site for use as public parkland, to be protected from development in perpetuity. All matters expect for access to the site are to be reserved. Matters for which detailed approval are sought are: the detailed design of the vehicular access to the site from Pincents Lane and associated turning area, the location of emergency vehicular access to the site and the locations of pedestrian and cycling accesses to the site.

*(Councillor Graham Pask proposed to suspend standing orders to permit groups of speakers to speak for up to ten minutes rather than the regulation five minutes. The proposal was seconded by Councillor Alan Macro and approved by the Committee. It was also agreed that questions of clarification could follow the officer presentations.)*

### **Member Questions to the Planning Officer**

Lydia Mather, Principal Planning Officer, presented the report to Members and in conclusion stated that overall it was considered that the benefits of the planning application outweighed the adverse impacts and therefore the recommendation was for approval subject to the conditions and the completion of a Section 106 Agreement. Ms Mather then provided the following points of clarification in responding to questions from Members:

- She confirmed that the access for emergency vehicles could be achieved from the north of the site as well as from the south.
- Councillor Mayes sought clarification for the increase in Reading Borough Council's housing need. Bryan Lytle said it was part of the Government response to the housing numbers; the top 20 urban areas in the country were given additional housing growth by the Government and the Reading figure was for the urban area of Reading which included West Berkshire and Wokingham as well as Reading.
- With reference to the cycle way, Councillor Mayes asked whether it had been requested by the local population or whether it was a proposal of the Council. Lydia Mather advised it had formed part of the proposal by the applicant and the transport policy consultation response was that it would be a benefit because it would link to the wider cycle network into Reading and towards Theale.
- With regard to the rising main in the south-west corner of the site, Councillor Mayes asked if there would be a permanent road from that pond up to the pump in the north part of the site. Lydia Mather said Thames Water had conditions about proximity to the strategic water main and the Local Highway Authority had stated where it would need to go under some internal roads, further details of which would be required. Currently, the access was under consideration, there was a primary route which it did cross and the other internal roads would be considered under reserved matters as part of the layout but that Thames Water requirements would be complied with.
- Councillor Bridgman asked whether the claimed path had been put forward as a proposed public footpath for long-term usage in the round of claiming of public footpaths that was undertaken in previous years. Lydia Mather confirmed it had been

## EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES

claimed because of the use for 20 years and whilst no formal decision had yet been made by the Council under its Public Rights of Way, Officers had welcomed that it would be formalised under this application.

- In terms of policy compliance, Lydia Mather advised that the proposal met with policy CS1 of the Core Strategy, i.e. 'Strategic sites and broad locations identified on the Core Strategy Key Diagram'. The proposed site fell under a broad location for development within ADPP4 for the Eastern Area.

### Member Questions to the Highways Officer

Paul Goddard, Highways Development Control Team Leader, presented the highways aspects of the report to Members. In conclusion, Mr Goddard advised Members that the key issue that needed to be considered was whether the increased traffic figures in the report for 165 dwellings was severe enough to warrant objection to the planning application. Mr Goddard's view and the view of the Highways' Officers was that the figures were not severe enough to warrant a refusal. Mr Goddard then provided the following points of clarification in responding to questions from Members:

- Mr Goddard clarified that the figures stated were based on all 165 dwellings being privately owned. The figures did not take into account that some of the 165 dwellings might be affordable or retirement dwellings but if they had been calculated on that basis, it was likely the figures would show even less of an increase.
- Reference was made to paragraph 6.47 of the report which stated that '*on balance highway officers do not consider the increases to be sufficient to raise objection to 165 dwellings*' and the question was asked what would be the exact number of houses that highways officers would be happy to make a *strong* recommendation rather than an *on balance* recommendation. Traffic modelling suggested that 265 dwellings was unacceptable. Mr Goddard said the use of the words 'on balance' were because Highways Officers were aware that there were congestion issues at times in that location, for example public holidays, and there was a recent incident before Christmas after a car broke down, but that overall the impact of the development should not be severe and this was a *strong* recommendation from Highways.
- Concern was raised in relation to a potential pinch point. Paragraph 6.26 of the report made reference to the Government's 'Manual for Streets' which stated that "*if an authority or developer wishes to reduce the running carriageway width to below 3.7 m, they should consult the local Fire Safety Office*". The report clarified that consultation had taken place with the Royal Berkshire Fire and Rescue Service and no objections were raised with regard to the access width. However, Councillor Law asked how this reconciled with the comment made by the Fire and Rescue Service contained earlier in the report '*The Head of Facilities, Fleet & Equipment advised of an objection with regard to the implications on the immediate road network of Pincents Lane and the A4 Bath Road, access/egress junction to Sainsburys, other retail outlets and businesses off Pincents Lane. The additional traffic and knock-on effects to the immediate road network will pose an increased risk to responding officers*'. Mr Goddard said no reference had been made in this statement to any pinch point but that this referred to the additional traffic impact from this development on the network of Pincents Lane and the A4. Mr Goddard did not have the consultation to hand but said that the Royal Berkshire Fire and Rescue Service did not normally object to dimensions or physical layouts at this stage unless it looked immediately difficult but would consider them further at building control stage.
- With regard to Pincents Lane, the update sheet indicated that, assuming a car was 5 metres long, the longest queue would be 70 cars which was felt to be unacceptable to Councillor Mayes. Mr Goddard said that an allowance of 5.5 metres was in fact

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

made for each car to allow for the length of the vehicle and a space in front of it which made the length of the queue even longer. It was accepted that at times the existing queues in that location were extensive and the question before Committee was did the proposed application indicate the queues would be even longer and be objected to. Mr Goddard's view was that for an additional 165 dwellings any objection was not warranted on this issue.

In accordance with the Council's Constitution, Ms Jacky Major and Councillor Clive Taylor, Parish Council representatives, Councillor Mary Bedwell and Councillor Claire Tull, Adjacent Parish Council representatives, Ms Ailsa Claybourn, Mr Simon Collard, Ms Joan Lawrie and Alok Sharma MP, objectors, Mr Chris White, supporter, and Ms Isobel Ballsdon and Mr Mike Bodkin, applicant/agent, addressed the Committee on this application.

### **Parish Council Representation**

Ms Jacky Major and Councillor Clive Taylor in addressing the Committee raised the following points:

- The land upon which the proposed development would be sited enjoyed public rights of way and was used by the public for recreation, exercise and as a place to unwind.
- In planning law, the Development Plan was the starting point for determination of planning applications. It was felt that the Officer's report misrepresented planning policy.
- The site lay outside of any settlement boundary, policy ADPP1 of the Core Strategy confirmed that only appropriate limited development of the countryside would be allowed.
- Policy ADPP4 set out the spatial strategy of the eastern area identifying that development would take place within existing commitments, infill and allocations made through the plan-led process.
- Policy CS1 made clear that new homes would primarily be developed on suitable, previously developed land or on allocated sites. This application was not for an allocated site nor was it a previously developed or infill site. As the site was outside the settlement boundary and in the open countryside, development would only be acceptable in exceptional circumstances under policy C1 and the site did not meet the exceptions listed.
- Development of the site was contrary to current planning policy and should be refused.
- The broad area for the eastern part of the district which was identified in the Core Strategy and referred to in the committee report was a broad area of search within which sites would be shortlisted and then assessed for their suitability to be allocated through the plan-led process. It was never the case that this area was seen as an area where speculative applications would be considered as acceptable and this could be confirmed from the detail in the Core Strategy. Additionally, the Council could demonstrate the required five year supply of housing land and was performing strongly in the Government's latest housing delivery test figures. There was no justification therefore to approve a speculative application that was contrary to policy.
- Previous applications for this land, of which there had been many, had all been objected to. At the last and most significant application in 2011, the Secretary of State, when considering the development, concluded that although the proposal would provide a range of housing including affordable units, plus facilities and

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

services, it sat outside the current settlement boundary and within open countryside where policies of restraint applied and within which it would cause substantial harm. It was felt that the proposed development would cause more harm than in previous years. Due to the pandemic and the realisation of the climate emergency, residents had come increasingly to appreciate the importance of open and accessible green spaces, particularly those that were close to where people lived.

- This land was used throughout the year and during recent lockdowns its usage increased considerably as local people found it a place of wild beauty in which to exercise.
- Traffic considerations had been a major factor in considering this application due to traffic congestion on Pincents Lane and particularly at the junction of the A4. Clearly the reduction of housing units to 165 would lessen the likelihood of frequent congestion but it should be noted that there had been occasional and severe congestion on Pincents Lane at weekends and more so on Bank Holidays, so much so that it had often attracted media coverage.
- Pincents Lane led to the Fire and Rescue Service, the Porsche headquarters, Dunelm and IKEA and their associated car parks as well as a business park and trading estate which only had 50% occupancy currently. If the empty units became occupied that would further add to the congestion on Pincents Lane and at the A4 junction. There was also the prospect of further housing at Pincents Manor where there was a proposal for 50 affordable units on a brownfield site which was immediately opposite the greenfield site on the proposed application.
- The access road into the development would be single lane only due to the pinch point caused by the existing buildings and boundaries of neighbouring land. The emergency access from the north involved coming down a steep single track, which was a winding lane with limited passing points. There was no side pavement for pedestrians or cyclists and the land was not gritted (in inclement weather) as vehicles could not easily turn around. The emergency access provision in the proposal remained a concern.
- Reducing the site to 165 houses removed all the 1 and 2 bedroom flats which would have held the most appeal to first-time buyers which most affected those on the lowest income.
- None of the 200 supporters of the development had submitted new letters of support during the last consultation period though many of them would have wanted access to affordable and lower priced homes.
- Tilehurst Parish Council was seeking to have much of the development land designated as local green space. Consultations with the land owner were underway and the Parish Council was of the view that this land met many of the criteria for such a designation. West Berkshire Council was urged to defer any planning decision until this designation was determined.
- There had been no agreement on access points to Tilehurst Parish Council's Calcot recreation ground.
- The development of a horse grazing field impacted on the rural and equestrian economy and recreation of the area.
- NHS GP services would be impacted by the development. The nearest GP surgery in Royal Avenue had been closed for some time and the second nearest surgery in Theale was some considerable distance away.

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

- Local schools might struggle to accept new students. One school in the immediate area had been advised in the last few months that they physically had no more space available.
- The development would further erode the strategic gap between Tilehurst, Calcot and Theale.
- Noise from the M4 was very apparent and constant in the area of the site to be built on. Even if the housing could be sound-proofed, sitting in the garden would not be a pleasant experience.
- There had been a huge volume of objections to the proposal with over 3,000 letters of objection received which outweighed letters of support by 15 to 1. Alok Sharma's opinion survey of 2019 in which over 700 responses were received, showed that 70% opposed any large development.
- Tilehurst, Holybrook and Theale Parish Councils all objected to the proposal with Tilehurst conducting a residents' survey to which 950 replied and which showed overwhelming opposition to any further housing development in the area.
- Two months ago a discussion session had taken place with over 40 young people who made up the School Council at Little Heath School during which one of those young people asked what would be done to stop the building of houses on Pincents Hill in order to protect the wildlife of that area.

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

- In response to a Member question, Councillor Taylor said that whilst the emerging Tilehurst Development Plan had a requirement to have a further 175 houses built, a decision had been taken to not currently nominate any sites for this to take place. It was for West Berkshire Council to identify sites that the Parish Council would comment on and either object to or support as part of the process.

### **Adjacent Parish Council Representation**

Councillor Mary Bedwell in addressing the Committee raised the following points:

- The Parish Council robustly challenged why this application to build on a greenfield site had been recommended for approval. The site had never been allocated by the DPD and was not listed in policy SP14.
- There was a presumption against development outside of settlement boundaries and this development was probably not needed for the Council to achieve its building target.
- The Prime Minister had pledged no more building on greenfield sites.
- The CPRE had stated that local authorities should delay making decisions until revised planning policy was issued.
- A climate emergency had been declared by West Berkshire; why therefore did developments that harmed what little natural environment that was left and overloaded the already saturated infrastructure be recommended for approval.
- The Environmental Health Officer's comments regarding noise levels above the World Health Organisation's levels were particularly concerning in that air conditioning would be needed in most of the houses because gardens would be too noisy to allow windows to be open in hot weather.
- Green spaces were vital to combat climate change with established woodland and hedgerows being of greater value than new.

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

- The reduction in the number of units had not altered the design of the access. Full and proper design of the access was not possible when so much of the development was not designed and left in the nebulous world of reserved matters.
- The site entrance must be measured accurately by Highways Officers. If proven to be smaller than the measurements on the plan the response from the Royal Berkshire Fire and Rescue Service needed to be revisited and verified. The minimum acceptable width to allow safe passage for a fire appliance was 3.7m and any new development would be expected to achieve this width in order to allow adequate fire appliance access. If a fire appliance was too big then how would bulldozers enter and exit the site as well as buses, removal lorries and deliveries on pallet trucks. The access had not changed in size, shape or form and the Highways Officer had originally deemed this unsuitable and had recommended refusal. It was not acceptable for emergency services to face additional challenges. The risk of people dying because they could not be rescued in time was unacceptably high. Access from the north of the site did not address or mitigate this.

Councillor Claire Tull in addressing the Committee raised the following points:

- Plans and proposals were scrutinised carefully in respect of design and function. In this case there were many conditions which related to reserved matters which demonstrated that building on this valuable green site was not acceptable.
- If the development was approved, there would be a solid built environment from Tidmarsh roundabout to Reading. Was it West Berkshire's strategy to hand over the eastern area to Reading? This greenfield site should have no bearing whatsoever on Reading's inability to fulfil its target.
- There seemed to be no limit to the saturation levels to be inflicted and endured in the area on a frequent basis. The reality, knowledge and experience of residents was consistently ignored.
- The community hub was a misnomer with no knowledge of what services would actually be provided and it was not believed that 165 houses could sustain such a building. Users, practitioners and deliveries would come from off-site and would have a severe impact on traffic and parking within the site. The change from class D1 to E would open up the use of the building to a greater number of non-residential uses including commercial and retail. Could Officers confirm that this had been properly modelled for all variances for environmental impact? The acoustic report had not addressed this so it was doubtful that the traffic modelling had done so either.
- There were an extraordinarily high number of conditions on the whole site in order to achieve a recommendation for approval and Officers had recommended 'on balance'. It was felt that the application was clearly out of balance.
- The Parish Council strongly urged rejection to the application due to the number of objections from Holybrook and Tilehurst's 2,750 residents, the Prime Minister's call for no more building on greenfield sites, the CPRE objection, the question of the actual width of the access and the number of conditions applied.

Members had no questions to ask of the adjacent Parish Council.

### **Objector Representation**

Alok Sharma MP in addressing the Committee raised the following points:

- He had been involved since 2008 in supporting local residents against development on this very valuable green space.

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

- There had been five rejected planning applications and two appeals on the site since 1987 which indicated that the site was unsuitable for development.
- The Secretary of State had been asked to call in this application and Mr Sharma understood the Council had confirmed it would not issue a decision notice until Ministers had decided whether a call in was appropriate.
- In terms of the reasons for objection, granting planning permission would be contrary to local planning policy and to the NPPF.
- The proposed development was outside of the Tilehurst settlement boundary and the current DPD still had five years left to run.
- The revised NPPF continued to make clear that the starting point of decisions was the Development Plan which meant that this proposal was premature. West Berkshire Council was able to demonstrate a five year housing supply which did not include the proposed Pincents Hill site.
- The Royal Berkshire Fire and Rescue Service had objected to the proposal and their comments needed to be taken into consideration, in particular with regard to access to the development.
- In conclusion, Alok Sharma requested that the Committee reject the application.

Ms Ailsa Claybourn in addressing the Committee raised the following points:

- The site should be developed for biodiversity and not for profit.
- It was a unique site, a naturally rewilded mosaic of habitat which supported a stunningly rich biodiversity which had been acknowledged by the Developer's Ecologists. At least six species of endangered birds bred on Pincents Hill. The proposed development would destroy their habitat and cause long-term serious disturbance through building work, noise and light pollution and by hundreds of new residents and their pets.
- The Developer's mitigation and compensation proposal would not make up for the destruction of what was currently one of the best areas of biodiversity in Berkshire.
- Pincents Hill delivered on many counts a wild, un-built on, open green space. GPs prescribed nature walks for cases of depression and hypertension, Pincents Hill provided scope for such walks.
- West Berkshire's own Environment Strategy stated 'we must protect threatened species and safeguard and enhance our landscape and its environmental value' and protecting Pincents Hill would deliver on this.
- Earlier this month, Defra had announced funding of up to £800M a year to support rewilding projects but Pincents Hill was already delivering this.
- In December 2021, the RSPB added the Greenfinch to the red list of birds of conservation concern meaning Greenfinches were close to extinction. Pincents Hill was a hot-spot for Greenfinches with flocks of up to 25 breeding and feeding there.

Ms Joan Lawrie in addressing the Committee raised the following points:

- If this planning application was to go to the Secretary of State for a decision, some of the issues would be the National Planning Regulations, the Council's own policies, the landscape value, the previous planning applications and appeals, with the reasons for refusal and dismissal, the public interest and many other matters such as access and traffic.

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

- Two years ago it was stated that the site was a strategic gap between settlements as stated in the Government's NPPF and should not be built on. As a strategic gap, the site lay outside of any settlement boundary. The application ignored ADPP1 and ADPP4 of the Core Strategy which set out the spatial strategy for the eastern area. This stated that development should take place through existing commitments, infill and allocations made through the planning-led process.
- Policy CS1 made it clear that new homes would primarily be developed on suitable, previously developed land or on an allocated site. The application was not for an allocated site neither was it on previously developed or an infill site. As the site was outside the settlement boundary and in the open countryside, development was only acceptable in exceptional circumstances, a matter which had already been covered.
- With regard to IKEA and its proximity to the site, there had been a three hour delay at New Year as there was every Bank Holiday and there had been a five hour delay some years ago. If this development was approved, how would people be able to reach their homes at such times when the roads were totally blocked? If IKEA had a technical fault with its barriers, as had frequently occurred in the past, and significantly delay people who were trying to get home or get to work.

Mr Simon Collard in addressing the Committee raised the following points:

- At the Conservative Party Conference held in October, the Prime Minister stated that no new building would take place on greenfield sites or AONB, both of which applied to the land at Pincents Hill.
- Since 26 September 2020, there had been only 4 letters of support but 2,800 letters of objection to proposed developments on the site.
- The report talked about permission being granted if the Section 106 Agreement was completed by 1 April 2022. However, there was currently no development and this was a requirement of the S106.
- The GP surgery at Theale Medical Centre currently had 11,000 patients on the register and were already over-burdened so could not accommodate new residents to the area.

Members had no questions to ask of the objectors.

### **Supporter Representation**

Mr Chris White in addressing the Committee raised the following points:

- There was currently not enough affordable housing available for the growing population in Tilehurst.
- A lot of the objections to the proposal had been made by people not resident in the area including some objections which had been made from people who lived overseas.
- Mr White was unable to live close to family members due to unaffordability in the area.

Members had no questions to ask of the supporter.

### **Applicant/Agent Representation**

Mr Mike Bodkin in addressing the Committee raised the following points:

- The proposal under consideration sought less than 25% of the original number of units proposed and less than 40% of the site would be developed.

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

- 22 acres of permanent public parkland would be provided.
- The Agent/Applicant had worked with Officers over a period of nearly ten years to provide the best scheme possible.
- The landscape grounds for refusal had been addressed with regard to the previous application for 750 units by working closely with landscape advisors to understand the concerns and address them by containing the development within less sensitive areas of the site.
- A long process of listening to the community, the Parish Council and neighbourhood planning group had been undertaken in attempt to address the concerns raised regarding how to provide homes, open space and how to provide facilities that would support the local area.
- A public exhibition had taken place in the summer of 2018, prior to the submission of the application, at which two-thirds of those attending had been supportive of the approach. Following this exhibition the number of proposed units had been reduced and included a health hub in order to respond to concerns expressed by local residents.
- Over 200 letters had been received in support of the application.
- In 2016, the site was going to be allocated in the Housing Site Allocations DPD for 285 homes but was withdrawn at the last moment as Councillors felt that the prudent approach was to wait for completion of IKEA to gain a full picture of the transport situation. That full and accurate picture was now available which had been set out in the report. All three relevant Highways Authorities – National Highways, West Berkshire Council and Reading Borough Council – had confirmed that the traffic levels now proposed for the 165 new homes did not raise any material concerns.
- If this application was approved, the Saturday PM peak in traffic was modelled to generate a further 19 vehicle movements each way on Pincents Lane which compared to 600 trips in each direction generated by the other uses, which accounted for around 3% of traffic in that time period. With around 7,200 trips across the network, the proposed increase was well within the average weekly fluctuations to IKEA. It was to be questioned whether six vehicles, at the very worst during the peak hour, from time to time, created a severe impact on the highway network.
- The Fire and Rescue Service had submitted two responses; one on behalf of the statutory regulation fire safety unit who had raised no objection whilst the objection that had been raised was from the corporate property services function.
- The sustainable location of the site had been recognised and it was clear that there was no possibility of a severe impact on the highway network.
- Adequate access to the site could be made which was compliant with Manual for Streets with the widths quoted so no highway grounds for refusal existed.
- The Council's HELAA assessment of February 2020 noted the suitability of the site for residential development provided that landscape, highways and other technical considerations were addressed.
- Officer recommendation for approval recognised that these technical matters had been addressed successfully and as stated, the published draft new Local Plan required at least 175 new homes be developed within the locality.
- The Parish Council had acknowledged that the strategically required number could not be accommodated elsewhere within the existing built up area.

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

- Given the lack of other sites in the eastern area, the edge of settlement location and the sustainability of the site it was highly likely that the site would be allocated in the emerging new Local Plan.
- Granting consent would underpin housing delivery requirements whilst the delayed new Local Plan was produced, examined and adopted and would also provide a more sustainable source of supply in comparison to other long term strategic allocations and urban extensions elsewhere. It would also reflect West Berkshire's continuing requirement to meet the national housing delivery test.
- Bringing the site forward now would offer two major early benefits; an immediate and significant biodiversity enhancement as well as securing public access for more than half of the application site.
- A 10% minimum biodiversity net gain would be secured through the section 106 agreement as compared to a diminishing environmental quality due to lack of management of the site which had been recognised by independent ecology advisors. The 10% minimum net gain was measured from the existing baseline of the entire site and that approach had been signed off by both the Council's Ecologist and the local Wildlife Trust.
- Legal public access was currently restricted to public rights of way across the site but it was guaranteed that a new public parkland of 900 hectares (22 acres) would be provided, protected in perpetuity from development, owned and managed according to arrangements to be discussed with local communities and the Parish Council and agreed with West Berkshire Council.
- The delivery of 66 new affordable homes for local people was much needed after a backlog of delivery in the Council area. The Council's own figures showed that across the last 16 years a net annual average of 114 affordable units had been delivered. Target delivery for the last 3 years equated to 187 units per annum so that was a shortfall of 73 units per annum.
- The housing mix which was submitted had been illustrated. The new homes would add to local choice and price competition delivering, in part, specialist housing for older people and for those wishing to self-build to high energy standards.
- Working from West Berkshire's figures in 2020 – 350 individuals and two groups on the self-build register with about 26 completions per annum – this development would provide approximately seven months' supply of self-build homes.
- The healthcare hub was included in response to public request. The facility would firstly be offered to the CCG, then to private sector healthcare providers and, after four years, other alternative uses would be sought.
- As well as the delivery of the hub and badly needed market and affordable housing, it was believed that the proposed development was an opportunity to deliver a substantial new public resource in the parkland by working in partnership with the Council and others to open up more public access to green space which would be protected in perpetuity from development and with a management plan in place to guarantee the biodiversity net gain.
- Officers had noted these changes, recognised conformity with the Local Plan and recommended that consent should be granted and it was hoped that Members would accept this recommendation.

## EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES

### Member Questions to the Applicant/Agent

Whilst Mr Bodkin had stated there were no Highways grounds for refusal of the application, paragraph 7.2 of the report stated that the development '*would nevertheless cause additional queues in a location which already experiences them particularly at peak times. Significant adverse weight is given to this impact*'. Councillor Mackinnon asked how both those statements could be true. Mr Bodkin believed the information contained within that paragraph was an overestimation of impact and felt that significant adverse weight should not be attributed to six additional cars at a maximum on a Saturday afternoon peak. The test in NPPF was of severe highway impact and in the view of Mr Bodkin this proposal did not constitute a severe highway impact and there were no highway grounds for refusal.

Councillor Bridgman made the point that the Council was not only meeting, but exceeding, its housing delivery test without this site. Mr Bodkin agreed with this and commended the Council in its level of progress. However, he added that in order to keep meeting its targets the Council required a supply of sites in the pipeline. The proposed site would provide a useful addition to the pipeline.

Whilst Mr Bodkin had stated that this site was to be allocated under the HSA DPD but that it did not go forward because of concerns over highways, Councillor Bridgman suggested that Officers removed it before it ever reached Members so that when the DPD was presented to Members for debate, it did not include this site and therefore to say that it was to be allocated misunderstood the nature of Member's involvement in the allocation of sites through the HSA DPD. In terms of the DPD, Mr Bodkin agreed that it had not come forward to Members for decision. There had been a statement of common ground signed between Officers and the site promoters that stated that the site was considered to be suitable in all respects other than the potential concern over highway access.

Mr Bodkin had referenced the HELAA recognising the site and Councillor Bridgman invited him to comment on the position that the HELAA's relevance came into being in the emerging Local Plan and not in the current Local Plan so this was somewhat in advance of decisions by Council yet to be taken. Mr Bodkin acknowledged that the HELAA was in the context of the emerging new Local Plan which indicated that Officers believed that all the technical considerations had been successfully addressed. With regard to prematurity, Mr Bodkin said the tests of prematurity under the NPPF were now very high where an application could only be considered to be premature if it undermined the delivery of a plan as a whole. It was considered that a very modest 165 units would not be prejudicial to the delivery of the emerging new Local Plan.

With regard to the health hub, Councillor Somner said there had been no commitment or intention from any healthcare provider that they would take up on that possibility. Mr Bodkin said discussions had taken place immediately prior to submission of the application with the CCG and at that time there wasn't felt to be a need for the facility. It was proposed that in the heads of terms in any section 106 agreement there would be a 'waterfall' approach; for the first two years to re-enter into discussions with the CCG, then to discuss with private healthcare operators and after 4 years, other alternative uses would be sought. Councillor Somner pointed out that the CCG would be disappearing as an entity within the next few months.

In answer to a Member query, Mr Bodkin reiterated that the site was owned by two land owners; 86% of it was owned by a subsidiary of what was now U&I PLC which had recently been acquired by Land Securities. The site had formerly been a 9-hole play and pay golf course, but in recent years it had not been managed. The remaining 14% was owned by a local family and was used for grazing horses.

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

Mr Bodkin said the proposal included the delivery of 40% affordable housing. Whilst he could not speculate on affordability he said the most active developers in the market in the current area were affordable housing providers. One of these had recently expressed an interest in providing more than 40% affordable housing on the site and Mr Bodkin advised that the Section 106 Agreement would seek to safeguard the right to deliver more than 40% affordable housing.

### **Ward Member Representation**

Councillor Jo Stewart in addressing the Committee as Ward Member raised the following points:

- She thanked all of the Officers who had been involved in the many conversations and meetings, and for providing responses to the many questions that had been raised. Officers should be recognised for the huge amount of work involved with regard to this application.
- Councillor Stewart said she thought it was essential that she represented the views of the people most affected by the proposed development. This was an important area for local residents.
- With regard to access to the site, Councillor Stewart said she had concerns about the pinch points. Experience had led her to believe that not all drivers would sit patiently to access width restrictions or pinch points. This was a safety concern when considering pedestrians, including students from Little Heath School, used the area which would be affected by increased amounts of traffic. Councillor Stewart questioned the modelling where it showed that while there were potentially 600 new dwellings in the area which included Theale, Tilehurst and Calcot – excluding the proposed 165 houses at Pincents Hill – wait times had been reduced.
- The report was unclear on whether the Fire and Rescue Service had objected to the proposal and questions should be asked as to the statement made that this development would pose an increased risk to responding officers.
- Residents had stated that access to this piece of rewilded land during lockdown had not only improved their sense of wellbeing but had also given them regular access to a greenfield space in which they could increase their physical activity without having to drive to another location. If the development was to be approved, then reducing the natural area to a small area of managed parkland seemed to be against the Council's Environment Strategy. Placing houses, people and road networks on a major site with the increasing noise and pollution that would ensue would harm or deter species currently thriving there.
- With regard to the health hub building, it was almost impossible to register with a GP practice in Tilehurst or Theale. Many residents had to travel into Reading to access GP and dental services. She questioned how families moving into new developments would be able to access medical services.

Councillor Tony Linden in addressing the Committee as Ward Member raised the following points:

- The objection by the Royal Berkshire Fire and Rescue service had been approved by the Chief Fire Officer, the Deputy Fire Officer and Chairman of the Fire Authority.
- Thames Valley Police said that during times of heavy traffic flow, the response of emergency services was likely to be compromised and detrimental to public safety. Councillor Linden said he hoped the Committee listened to the views of the public, the local MP, local objectors, the two Parishes who had contributed to the meeting as well as Theale Parish Council and moved to refuse the application.

Members had no questions to ask of the Ward Members.

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

### **Member Questions to Officers**

Looking at the current Local Plan, and the HSA DPD previously referred to, and including the 45 dwellings at Hawkswood, the HSA DPD brought forward 280 dwellings within the eastern urban area. One of those sites – Stoneham Farm – was originally put in for 15 houses but had now turned into a 64 bed care home so should therefore be removed from the total number. Councillor Bridgman calculated that 333 dwellings had been delivered, or were planned to be delivered, which excluded the 45 dwellings at Hawkswood as well as the 64 bed care home. Did Officers accept that so far as the current Local Plan to 2026 was concerned, that this area of West Berkshire was meeting its delivery requirement?

Bryan Lyttle said in terms of the current Local Plan, the Core Strategy and the HSA DPD, the area was meeting its delivery requirement. However, the Core Strategy was produced in 2012 and arguments existed among developers that it was not NPPF compliant and that the housing need number was not in alignment with the standard methodology. This viewpoint was not accepted by the Council. There was a current housing year land supply at 7.1 years and the housing delivery test was 1.17. The importance of the delivery test was if that number fell below 1, then the Council would have to publish a statement on how that would be addressed and if that number fell below 0.8 then there was an automatic presumption in favour of any planning application.

Councillor Bridgman referred to comments that planning policy made in relation to the application for 265 houses and debate between ADPP1, ADPP4, CS1 and C1. The site could only be considered an exception in relation to C1. However, the site did not meet the exceptions listed so the development of the site for 265 homes was contrary to current planning policy and would undermine strategy. The report referenced the emerging Local Plan and the Tilehurst Neighbourhood Emerging Plan and stated that little weight was to be given to both plans. If that was the case, Councillor Bridgman queried whether the comments that were made in February 2019 for 265 homes applied just as much to the previous application as to this application.

Mr Lyttle said that since the comments from the Planning Policy team were first made, there had been changes in national policy in terms of the NPPF, the introduction of the Government's Levelling Up Agenda and clarification from the neighbourhood planning group that they no longer wished to allocate the site following the Regulation 19 consultation. The position now with the new Local Plan was if this site did not come forward it would have to be reconsidered prior to the Regulation 19 going out.

Developers had regularly been advised that the Council was policy-led and it had been made clear in relation to policy C1 that development outside settlement boundaries would be opposed. It was queried why the Council was moving away from that stance. Mr Lyttle said that in 2012, the Core Strategy proposed that the settlement of Pangbourne should be both in the AONB spatial area and also in the eastern urban area. However, the Planning Inspector insisted that Pangbourne be placed into the AONB and therefore could not contribute to any development numbers that were placed in the eastern urban area. To help alleviate this, the Inspector had stated that the broad location be inserted into policy C1 to give a degree of flexibility to the eastern urban area to increase housing numbers. It was for this reason that the Officer's report stated while there was a contradiction, on balance the area specific policies overcame concerns.

Councillor Macro's understanding was that the current housing numbers did not include the Lakeside site in Theale. A reserved matters application had recently been submitted for 296 homes on that site which should therefore mean that this figure should go in the housing supply figures if the application was approved. Bob Dray clarified that Lakeside was committed development in the Local Plan and by the time the HSA DPD was

## EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES

adopted it had planning permission so it had been factored into the housing numbers for the Core Strategy. Lakeside was not currently in the five year supply because of delays in implementation but would be included when the development progressed.

Referring to the comments made by the Drainage Officer regarding sustainable drainage systems, it was stated that the original drainage strategy on the 265 homes was not sustainable because they were planning to pump surface water from the bottom of the site up to the top where it would discharge into a sewer. The same system was proposed to be used for this proposal but it was not clear why it was acceptable now when it had previously been considered unsustainable. Lydia Mather agreed there had been particular concerns with the scheme for 265 homes. A revised flood risk assessment and drainage strategy was submitted with further information which did still include the mains riser but the Local Flood Authority had accepted that it was feasible, albeit not ideal, and they required further information in conditions as part of the reserved matters on the layout.

Councillor Law sought clarification from Officers on the accuracy of the statement made by the applicant about prematurity which stated that prematurity was only a factor if the development threatened the integrity of the Local Plan. Bob Dray said prematurity was refusing an application because it would undermine an emerging plan being worked on. However, such a refusal would need to be evidenced. At this stage it was considered that this would carry relatively limited weight as national policy had been tightened up to make it very difficult to reject an application on prematurity grounds. They would seldom be justified unless it was at a very late stage in the plan making process.

Councillor Law asked whether the broad area was consistent with the NPPF. Bryan Lyttle said it was consistent in terms of an area of search whereby it would be a broad area for sites to come forward as part of the call for sites process.

Councillor Mayes asked if there was an alternative to using a rising main as he had not seen a design which showed where the water would go if it was not pumped from the bottom of the site to the top. Lydia Mather said the Local Flood Authority had accepted the rising main on the basis that they felt it had been demonstrated there was no alternative method.

Bob Dray clarified earlier points raised about the highway impact in questions to the applicant, by referring to the planning balance outlined in the report. An adverse impact weighing against the proposal included the paragraph that stated '*whilst the impact on the road network of Pincents Lane would not be severe the development would nevertheless cause additional queues in a location which already experiences them particularly at peak times. Significant adverse weight is given to this impact*'. The term 'severe impact' in the NPPF was a specific policy for when planning permission was refused on highways traffic grounds which was different from the weight given to the planning balance.

In response to a Member question, Lydia Mather confirmed that the emergency services would have access to the whole of Pincents Lane and not just via the emergency access using the master key.

### Debate

In response to the points raised by objectors, Councillor Bridgman said unless the Council had robust planning policies and an adequate five year land supply, developers would have a free for all regardless of the views of interested parties. Robust planning policies had to be in place and the emerging Local Plan already anticipated that Tilehurst would need 175 houses that would have to be built somewhere. They might well be proposed for this site, in which case if this application did not proceed any further, it was

## EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES

likely to come back in another form under the emerging policy and therefore objectors should be encouraged to think about where new houses should be built in the area. The new emerging Local Plan was precisely that; the Council had not decided yet what the plan would say and where the housing identified in that plan would go. What had been decided was the HSA DPD and it was agreed that this area of the district had already delivered far more housing plus a substantial care home assuming all approved planning applications were built out. Therefore, the eastern urban area would provide the district with the housing it required under the current Local Plan. This site fell outside of the settlement boundary. In a conflict between policy CS1 and policy C1, the latter was the preferred option. Councillor Bridgman advised therefore that he would be voting to refuse the application.

Councillor Macro said it was accepted that on occasion there was severe congestion along Pincents Lane, the A4 and occasionally onto the M4. If further housing was built in this area and congestion was increased, it would have a detrimental effect on people who needed to get to the airport or the hospital being held up for many hours. Councillor Macro queried whether the traffic modelling database had taken into account the fact that travelling to local schools involved travelling up very steep hills which was likely to mean that most parents would not walk their children up the hill but would travel by car which would increase traffic at peak times. Councillor Macro said he had severe doubts about the traffic model because the figures stated that in the AM peak, the traffic on Pincents Lane from IKEA to the A4 was predicted to go *down* from 90 seconds to 74 seconds.

Councillor Macro said he had concerns about process. If this site had been put forward in the HSA DPD it would have been consulted on twice which would have given people the opportunity to object to it when the planning application came in. If the application had been put forward in the new emerging Local Plan it would already have gone to consultation and again in the summer. If the application had been put in the Neighbourhood Development Plan it would have gone to referendum. Councillor Macro was concerned that residents had lost the opportunity to take part in any consultation on the site.

Councillor Macro said that a system which relied upon pumping surface water from the bottom of a site up to the top of the site could not be regarded as sustainable and the Drainage Officers had been concerned about maintenance of the system. The idea of a sustainable drainage system was that it did not contribute to flooding and it was not known where the water would go once it reached the surface sewer located at the top of the site as proposed in this application.

Councillor Macro added that in terms of the number of houses being delivered, there were another 104 in Theale so there was quite a large number being supplied in the eastern area.

Councillor Law stated that he believed some development of this particular land was acceptable in principle. The questions were when and the number of houses. This plan was not an allocated site within either the Core Strategy or the DPD, the details of the emerging Local Plan had not yet been agreed because Regulation 19 had not been reached and therefore the application was premature. With regard to the number of houses, concerns remained in relation to access to the site. Councillor Law said that although emergency services had not objected, neither had they expressed positivity towards the proposal and by the nature of the NPPF, it was asking for positive agreement to issues such as pinch points, not just lack of objection. Concern had been noted during site visits by both the pinch points and the area between the old hotel and IKEA where there were lots of cars parked on one side because people were working in offices in the area. This exacerbated the pinch points. The traffic modelling stated that there would be

## **EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

several occasions throughout the year when residents would not easily be able to get out into the main traffic or to get back into the site.

Councillor Somner added his thanks to Officers for the volume of work undertaken with regard to this application and stated that he trusted their judgement and accepted the positions they had put forward. Councillor Somner said he had lived in the area for 54 years and was very familiar with Pincents Hill and the problems associated with travelling up and down the hill. He did not think the modelling allowed people to appreciate the level of traffic that built up around the area or the gravity of the situation with people sitting in traffic or trying to navigate away from IKEA. With regard to obstruction on Pincents Lane, most mornings, from as early as 7.30am, there was a queue of cars parked on the road belonging to people working in the area.

Councillor Bridgman proposed refusal against Officers' recommendation to grant planning permission for the following reasons:

1. In breach of policy C1 of the current Local Plan
2. Prematurity in relation to the proposed Local Plan
3. On grounds of insufficiency of the proposed access

The proposal for refusal was seconded by Councillor Law.

Bob Dray advised Members against including prematurity in the refusal reason. As explained earlier, the prematurity argument could not be considered until it was at a very late stage and the process had at least reached the Regulation 19 stage.

Councillors Bridgman and Law agreed to remove prematurity as a refusal reason.

Paul Goddard asked for more specifics in relation to including access to the site as a reason for refusing the planning application. Councillor Macro gave the view that it was less to do with access but more about traffic levels. He was not convinced that the development would not have a severe impact on traffic in the immediate neighbourhood.

Councillor Pask said he shared the concerns raised about the traffic in peak times.

Councillor Law said the access was not suitable on a large number of days throughout the year and he questioned how a housing development could be approved in an area that was effectively landlocked during peak times.

Councillor Somner said the pinch point needed to be considered as a matter of safety above everything else.

Bob Dray clarified his understanding from Members on the access concerns. He understood that there were two strands to the concerns around access; safety in terms of the pinch points both at the access and between the hotel and IKEA, and the severe traffic volumes at peak times.

Paul Goddard said it was the prerogative of Members if they considered the impact of 165 dwellings to be severe in terms of traffic. He was of the view that if there wasn't already a pinch point then he would probably recommend one as it was needed to slow the traffic down in consideration of the users of Pincents Lane such as pedestrians and horse riders. Mr Goddard felt there was sufficient room to provide adequate width for a pinch point in compliance with Manual for Streets.

Councillor Bridgman amended his proposal to refuse planning permission as follows:

1. Breach of policy C1.
2. The severe highway impact on the existing road network impacting on the future occupants of the development.

**EASTERN AREA PLANNING COMMITTEE - 19 JANUARY 2022 - MINUTES**

The proposal was seconded by Councillor Law and unanimously agreed by all Members of the Committee.

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

1. The proposed development for up to 165 houses is not on land identified as suitable for residential development. The application site is located outside of a defined settlement boundary, below the settlement hierarchy, and where there is a presumption against residential development. The site is not land that has been allocated for residential development. The proposed development is not for rural exception housing, to accommodate rural workers, or limited infill within a closely knit cluster of 10 or more dwellings. As such the proposed development is contrary to policy C1 of the Housing Site Allocations DPD 2006-2026 and the National Planning Policy Framework.
2. The proposed access along Pincents Lane is not suitable to serve the proposed development. At peak times the existing congestion along Pincents Lane is such that it would have an unacceptable impact on the access to and egress from the site on the proposed residents of the development and therefore on highway safety and the flow of traffic. As such the proposed development is contrary to policy CS13 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework.
3. The application fails to provide an appropriate planning obligation to mitigate the impact of the development with regard to affordable housing, housing for older people, custom and self-build housing, community building, emergency vehicle access, public open space, public rights of way, sustainable travel, climate change and resilience measures. The District has a high affordable housing need and an affordability ratio above the national average as well as a high number of individuals seeking self-build plots. Public open space and upgrades to the public rights of way and increase in sustainable travel options are all required from the development, and there is a statutory duty on climate change. Without these planning obligations the proposed development conflicts with policies CS5, CS6, CS13, CS15, and CS18 of the West Berkshire Core Strategy 2006-2026, the Planning Obligations SPD and the National Planning Policy Framework.

*(The meeting commenced at 6.30pm and closed at 9.50pm)*

**CHAIRMAN** .....

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