

# DRAFT

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

## **EASTERN AREA PLANNING COMMITTEE MINUTES OF THE MEETING HELD ON WEDNESDAY, 26 APRIL 2023**

**Councillors Present:** Graham Pask (Chairman), Alan Macro (Vice-Chairman), Jeremy Cottam, Alan Law, Ross Mackinnon, Geoff Mayes, Richard Somner and Keith Woodhams

**Also Present:** Sharon Armour (Principal Lawyer - Planning & Governance), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Lydia Mather (Team Leader - Development Control), Benjamin Ryan (Democratic Services Officer) and Michael Butler (Principal Planning Officer)

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

### **PART I**

#### **30. Minutes**

The Minutes of the meeting held on 15 March 2023 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

- Page 2, paragraph 3, should state that Gary Miles was a resident, not a representative of the Parish Council.
- Page 5, bullet point 2: 'Councillor Macro agreed with the Parish Council's concerns regarding the height of buildings and density of the site, which he did not feel was **in keeping with the character of the village.**

Page 5, bullet point 4 should note that one side of the bypass was monitored and the comment was in regards to the other sections.

#### **31. Declarations of Interest**

Councillor Geoff Mayes declared an interest in Agenda Item 4(1) 23/00072/RESMAJ, as his son worked for the applicant and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

#### **32. Schedule of Planning Applications**

##### **(1) Application No. and Parish: 23/00072/RESMAJ, Stratfield Mortimer**

*Item starts at [6 minutes and 27 seconds](#) into the recording.*

*Councillor Geoff Mayes left the meeting at 6.36pm.*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/00072/RESMAJ in respect of the approval of reserved matters following Outline Permission 19/00981/OUTMAJ [Section 73: Variation of condition 6-

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approved plans of approved application 17/03004/OUTMAJ: This outline application comprises two parts: Part a) The erection of 110 dwellings including affordable housing, public open space and associated landscaping with all matters reserved other than access and layout; Part b) The erection of a 3FE Infant School and 900sq m GP surgery (Use Class D1) with shared parking area with all matters reserved other than access.] Matters seeking consent: Landscaping. Site located at land south of Tower Gardens, Mortimer.

2. Mr Michael Butler 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 Director of Development and Regulation be authorised to grant conditional approval subject to a 106 agreement being completed.
3. In accordance with the Council's Constitution, Ms Danusia Morsley (Parish Council representative), Ms Katherine Miles (applicant/agent), and Councillor Graham Bridgman (Ward Member) addressed the Committee on this application.

### **Parish Council Representation**

4. Ms Danusia Morsley in addressing the Committee raised the following points:
  - That the open space behind the development would become obscured by the wall, which would ruin the aesthetic of the area.
  - The plans had changed significantly since the initial acceptance in 2019.
  - The proposed wall was not part of the original agreed-upon plans.
  - The open space was originally meant to be 3.35 hectares, which was integral to the awarding of the site for development to T.A. Fisher. They had now shrunk this open space to three hectares.
  - There was no publically accessible route into the open space.
  - There were concerns over safety where children could fall off the wall whilst climbing.

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

5. Members asked questions of the Parish representative and were given the following responses:
  - That the Parish Council believed that houses would be built at gradual increments down the slope, which would eventually stop at the open space. This had morphed in phases 2A and 2B due to a change in the sustainable drainage systems (SuDs).
  - The Parish Council had not appreciated that moving the SuDs to under the roads would have such an impact.

### **Applicant/Agent Representation**

6. Ms Katherine Miles in addressing the Committee raised the following points:
  - If West Berkshire Council (The Council) was to refuse planning permission, the construction would have to be delayed and contractors would be made redundant.
  - Construction on houses 51-58 were underway, so if the Council was to impose conditions retrospectively, it would cause further issues.
  - That T. A. Fisher had engaged with Councillors and officers previously, where officers had stated that the socio-economic benefit outweighed the negatives.

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- In 2015 the community voted that they were in favour of the development in adopting the Neighbourhood Development Plan (NDP).
- Planting foliage along the wall would eventually obscure the wall and would include anti-climb meshing.
- There would be no vantage point where a member of the public could see the entire wall due to its curved nature and it had been designed to be as maintenance-free as possible.
- In approving the outline permission, there was no proposal of a levels condition. The road landscaping, public open space and drainage were approved in the phase one reserved matters. A levels condition was then imposed and this established the finished floor level of the first 28 houses.
- There were no levels requirements attached to the already agreed phases 2A or 2B.
- The retaining wall was a result of developing lower down the slope.
- Section 106, should be a straightforward variation to the existing legal agreement to increase the maintenance payable for the open space once completed.

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

7. Members asked questions of the Applicant and were given the following responses:

- The outline plans that were shown were illustrative plans and were not conditioned as part of the approved plan pack. At the outline stage it was not always possible to have all the technical engineering drawings in regards to drainage.
- The wall would be around the basin and would not infringe upon the three hectares of open space mentioned in the NDP.
- This application was in regards to landscaping and Ms Miles felt it would be unreasonable to refuse the application on other grounds. She added that any attempt to affect the previous applications could be considered as an overreach.
- The policy of the NDP stated three hectares and the area was never considered in the plans as a completely usable public space.

### **Ward Member Representation**

8. Councillor Graham Bridgman in addressing the Committee raised the following points:

- That the NDP stated that the open space should be at least three hectares.
- This was a significant development in regards to the height of the retaining wall.
- Point five of the Parish NDP stated that an application would need to incorporate areas of usable accessible open space utilizing the natural topography to create a soft edge to the residential development. With attractive views into and from the surrounding Countryside
- The Committee must consider the view from the public space towards the wall and fence.
- When the public considered adoption of the site they considered the slope not a large retaining wall.

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

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9. Members asked questions of the Ward Member and were given the following response:

- That he did not know why phases 2A and 2B did not have levels conditions, however the outline plans might have previously come before the Committee.

### **Member Questions to Officers**

10. Members asked questions of the Officers and were given the following responses:

- That the application of a levels condition was up to the Committee to decide.
- None of the past reserved matters came to Committee.
- The levels and details of the principal access to the road for sites 2A and 2B from phase one had largely been set by the Section 38 agreement. Officers had decided that to further impose a levels condition in regards to those roads would be unnecessary (at the time of the previous applications).
- It was not possible to retrospectively apply conditions. However, conditions could be applied to this application and it would be legitimate to apply a levels condition to the houses south of the road as they had not been constructed.
- The levels condition was to be implemented at plots 51 to 57 between the houses and the internal road.
- That there was a limit on how low the levels could be set.
- The black line on the layout of the proposed wall map represented terracing.
- That there was access to the open space through a track to the west of the area or through the existing public right of way to the east of the site.
- There was no intended public access through the back of the houses to the open space.
- That the Council would adopt the land, however if Stratfield Mortimer Parish Council wished to adopt the area they could do so.
- If the application was refused this could affect the 40% affordable homes, as well as the Deed of Variation (DoV) Section 106 agreement and the delivery of the houses as a whole.

### **Debate**

11. Councillor Alan Law opened the debate by expressing his uncertainty about what the Committee was being asked to determine and could not understand why the levels would be changed if it did not affect the wall.
12. Councillor Alan Macro expressed his disappointment in the change to the NDP from a gradual slope to a large five-metre wall with a 1.2-metre fence on top. He explained that the base of the houses would still be visible above the fence. The Councillor disapproved of the lack of access to the open space and believed that people might try to make their own path to the area.
13. Councillor Ross Mackinnon emphasised that the Council had encouraged Parish and Town Councils to adopt NDPs and that going against them by voting for the application would undermine this message. The Councillor highlighted that this application was not in line with the Parish Council's NDP.
14. The Chairman highlighted that the need for the wall was because of the need for SuDs to prevent flooding issues. He therefore sympathised with the applicant and

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emphasised the point that if the application was refused, plots 51-57 might not be built. The Chairman brought attention to the fact that the planting of foliage would disguise the wall once the planting had matured, softening the visual impact.

15. Councillor Jeremy Cottam understood that this was a complex site, but warned the Committee against approving applications where the understanding of the SuDs was limited.
16. Councillor Richard Somner believed that the discussed issue had been created by design and that conditions three and six should have been previously implemented. The Councillor believed that previous comments made by T. A. Fisher were misguided as it was an issue created by the applicant themselves. Councillor Somner acknowledged the effort to disguise the retaining wall and that if it was a line of houses this would have the effect of a block change.
17. The Chairman invited Members of the Committee to vote on the proposal by Councillor Macro, seconded by Councillor Law to refuse planning permission on the grounds of the visual impact of the wall and due to it not adhering to the SDB-1 ('incorporate areas of usable accessible open space utilizing the natural topography to create a soft edge to the residential development with attractive views into and from the surrounding countryside') of the local NDP. At the vote, the motion was carried.
18. **RESOLVED** that the Service Director for Development and Regulation be authorised to refuse planning permission.

### Reasons

- The development of the proposed retaining wall and associated works is unacceptable due to the visual impact which will arise from this 192m length structure up to 5m in height in places, in what is a prominent physical outlier on the application site, in particular when viewed from the south of the site. It is accordingly contrary to policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and policies RS4, SDB1 of the Stratfield Mortimer Neighbourhood Development Plan 2017, and the National Planning Policy Framework.
- The proposed retaining wall is contrary to bullet point 5 of policy SDB1 of the Stratfield Mortimer Neighbourhood Development Plan (NDP) of 2017 as adopted in that it fails to incorporate areas of usable, accessible open space, utilising the natural topography to create a 'soft' edge to the residential development with attractive views into and from the surrounding countryside.

*Councillor Mayes re-joined the meeting at 7.55pm.*

19. The Chairman closed the meeting by expressing his gratitude to the officers for their efforts in supporting the meetings during his time within the Council and as Chairman of the Eastern Area Planning Committee, as he would be standing down as a Councillor after 33 years.
20. Councillor Macro expressed his appreciation for the Chairman's stewardship of the Eastern Area Planning Committee and wished him and Councillors Law and Keith Woodhams the best for the future.
21. Councillor Law reiterated the points made and expressed how this Committee had been, for him, the most enjoyable part of being a Councillor.

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

**CHAIRMAN** .....

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