

PLANNING APPLICATIONS COMMITTEE MINUTES - 7 FEBRUARY 2018

Present: Councillor Livingston (Chair);

Councillors Brock, Duveen, Hopper, Maskell, McKenna, Page, Pearce, Robinson, Singh, J Williams and R Williams.

Apologies: Councillors Gavin and Vickers.

RESOLVED ITEMS

54. MINUTES

The Minutes of the meeting held on 10 January 2018 were agreed as a correct record and signed by the Chair.

55. QUESTION

The following question was asked by Councillor Page:

Planning Changes - Loss in Fee Income and Section 106 Contributions

Will the Chair update the Committee with the most recent figures in respect of:

- (1) the total number of residential units that have been approved via the Prior Notification Procedure introduced in May 2013 which allows conversions from former offices to residential use?
- (2) the loss in fee income to the Borough Council as a result of this change and the estimated loss to the authority in respect of Section 106 contributions in the form of (a) affordable housing, (b) financial contributions to affordable housing off-site, (c) financial contributions to education and (d) financial contributions to leisure and open spaces.

Would she also comment on the implications of the DCLG announcement on 28 November 2014 preventing this, and all other planning authorities, from seeking Section 106 contributions on proposed sites of ten homes or fewer?

Would she summarise the impact of all these changes and the losses to RBC in affordable housing, education and transport and other essential contributions?

Lastly, would she update the Committee on the results of recent relevant planning appeals in respect of securing affordable housing contributions from sites of up to 10 dwellings.

REPLY by the Chair of the Planning Applications Committee (Councillor Livingston):

Conversions of offices to flats

Changes made to the planning system in May 2013 removed the need to seek planning permission for changes of use from offices to residential, and made such changes subject to a prior approval process, where only very limited considerations (transport impact, contamination and flooding) can be taken into account. This was to be a temporary right which was due to expire in May 2016. However, the Government has since made this right permanent by amendments to the General Permitted Development Order, which came into force on 6th April 2016. This

change also added additional criteria that can be considered, namely the effect of noise from commercial premises.

The total number of residential units that have been approved by this Prior Approval process between its introduction in May 2013 and 31st March 2017 is 1369. A further 216 new dwellings have been approved between 1st April 2017 and 28th January 2018 bringing the total now to 1,585.

In terms of completed development so far, up to 31st March 2017, 655 homes had been completed as a result of the new permitted development right. Conversions to provide a further 115 homes were also underway at that point.

Had the proposals been submitted as planning applications, the fee income received up to 31st March 2017 would have been £534,290. In addition, a total of £126,164 income has been lost for the period between 1st April 2017 and 28th January 2018. This takes into account the charge of £80 for each prior approval application that has been applied for since October 2013. This figure does not include fees that would have been submitted for applications that were refused or were subsequently withdrawn.

In terms of contributions towards Transport, Education and leisure and open space it should be noted that, since the introduction of the Community Infrastructure Levy (CIL) on 1st April 2015, no Section 106 contributions would have been likely to have been made as these are now primarily covered by the CIL process, and Section 106 agreements would not therefore have been sought. Such development is subject to CIL but the CIL regulations render vacant floorspace as not liable to CIL where it has not been in use in the 3 years before the application is made. As a consequence, many office to residential conversion schemes approved since the end of March 2015 have not paid contributions towards such provision.

Therefore based on local policy, we consider that, had the schemes approved before April 2015 that have received Prior Approval instead of planning permission been subject to full policy compliant Section 106 agreements, they might have been expected to lead to the following levels of contributions:

- a) £321,964 towards education;
- b) £1,850,400 towards leisure and open space.

Had those proposals that have received prior approval to 28th January 2018, been submitted as planning applications, there are challenges in estimating what the affordable housing contributions would have been as they are subject to negotiation that are heavily influenced by assessments of viability that would have to take account of relatively high existing use values for the former office premises. However, based on local policy, we consider that, had the schemes that have received Prior Approval instead of planning permission been subject to full policy compliant Section 106 agreements, they might have been expected to lead to the following levels of affordable housing contributions:

- c) 444 affordable housing units (74 to date (28/01/2018) during 2017/18)
- d) £2,559,000 towards off-site affordable housing (£384,000 to date during 2017/18).

To summarise, the total Section 106 contributions lost is £4,731,364, in addition to the 444 affordable housing units.

Sites of up to 10 dwellings

A Ministerial statement was made to Parliament on 28 November 2014 and, at the same time, DCLG published alterations to National Planning Policy Guidance (“NPPG”). Those changes sought to exempt developments of 10 or less dwellings from planning obligations for affordable housing and social infrastructure contributions. They also introduced a new provision, the Vacant Building Credit, which excluded existing floorspace from calculations on the provision of affordable housing and infrastructure payments.

This change would have had a very significant effect on the provision of affordable housing and contributions towards transport, education and leisure and open spaces from such sites. As indicated earlier, these infrastructure items are now covered by the Community Infrastructure Levy and since April 2015, infrastructure provision/contributions are no longer, therefore, affected by the change.

The proposed change would have had a significant effect on affordable housing provision within the Borough. As Committee is aware, Reading Borough Council and West Berkshire Council challenged the changes through the High Court. The case was heard in the High Court in April 2015. The High Court judgement found in favour of the challenge by the local authorities and quashed the amendments to the National Planning Practice Guidance. Committee will recall that an appeal by the Secretary of State was upheld by the Court of Appeal in May 2016 and the Ministerial Statement and the changes to the National Planning Practice Guidance were reinstated.

However, the Court of Appeal did emphasise that *“local circumstances may justify lower (or no) thresholds as an exception to the national policy.”* It is clear therefore that an LPA can seek to demonstrate that local circumstances can be used to justify an exception to the WMS and NPPG. At its meeting in July 2016, Strategic Environment, Planning and Transport Committee decided that the Council should continue to operate Policy DM6 seeking the provision of affordable housing for schemes of 10 or less dwellings, with some qualifications.

As a result of this decision, a number of appeals have been made against the Council’s refusal of planning permission or failure to determine planning applications. For all appeals, the Council provides a full case explaining why *“local circumstances would justify no thresholds as an exception to the national policy.”* To date the Council has received 19 decisions relating to affordable housing provision on small sites of which 16 decisions have been dismissed on the grounds that that justification for an exception to the Minister’s Written Statement exists.

As reported to this Committee in March 2017, in the latter part of February 2017, the Council received decisions upholding 2 separate appeals where an inspector (the same inspector in both cases) concluded that the Council’s case did not outweigh national policy. Officers wrote to the Inspectorate complaining about inconsistency of decision making and the Council received an apology accepting that the Inspector had not applied himself correctly to the policy framework.

The Council's Draft Pre-Submission Local Plan, which was published early in December, continues to include the Council's policy requirement for seeking affordable housing on sites for 10 or less dwellings, on the basis that the justification for an exception to the Minister's Written Statement has been demonstrated in numerous appeal decisions.

56. SITE VISITS

The Director of Environment and Neighbourhood Services submitted, at the meeting, a schedule of applications to be considered at future meetings of the Committee to enable Councillors to decide which sites, if any, they wished to visit prior to determining the relevant applications.

Resolved - That no site visits be held in advance of the next Planning Applications Committee.

57. PLANNING APPEALS

(i) New Appeals

The Director of Environment and Neighbourhood Services submitted a schedule giving details of notification received from the Planning Inspectorate regarding six planning appeals, the method of determination for which she had already expressed a preference in accordance with delegated powers, which was attached as Appendix 1 to the report.

(ii) Appeals Recently Determined

The Director of Environment and Neighbourhood Services submitted details of a decision that had been made by the Secretary of State, or by an Inspector appointed for the purpose, which was attached as Appendix 2 to the report.

(iii) Report on Appeal Decisions

The Director of Environment and Neighbourhood Services submitted a report on the following appeal decision in Appendix 3:

171199/TPO - 10 DELLWOOD PARK, CAVERSHAM

Application to fell one Lime tree in the rear garden.

Written representations.

Appeal dismissed.

Resolved -

- (1) That the new appeals, as set out in Appendix 1, be noted;
- (2) That the outcome of the recently determined appeals, as set out in Appendix 2, be noted;
- (3) That the report on the appeal decision set out in Appendix 3 be noted.

58. APPLICATIONS FOR PRIOR APPROVAL

The Director of Environment and Neighbourhood Services submitted a report giving details in Table 1 of 13 pending prior approval applications, and in Table 2 of nine applications for prior approval decided between 21 December 2017 and 24 January 2018.

Resolved - That the report be noted.

59. QUARTERLY PERFORMANCE MONITORING REPORT - DEVELOPMENT MANAGEMENT SERVICE - QUARTER 3 2017/18

The Director of Environment and Neighbourhood Services submitted a report providing performance monitoring information for Quarter 3 of 2017/18 (October-December 2017). It set out the Council's current performance against government criteria for designation and corporate indicators where they varied from the government criteria. An update report was tabled at the meeting containing an updated version of Table 1, which corrected two figures in the original report.

Resolved - That the report be noted.

60. STREET NAME ASSIGNMENT OFF CONWY CLOSE

The Director of Environment and Neighbourhood Services submitted a report for the Committee to select a street name for a development off Conwy Close. A plan of the development and a list of approved street names were attached to the report.

The report stated that it was felt appropriate to group the name by a theme, whilst ensuring that the name was unique and clearly identifiable. The theme for the road names in the area was Welsh rivers and names had been suggested that were tributaries to the river Conwy. During the consultation with Councillors, two additional Welsh names had been suggested.

The report stated that, if none of the proposed names were considered suitable, the Committee should select alternatives from the existing Street Name Proposals List which was attached to the report at Appendix 2.

Resolved - That the new road be named Bevan Close.

61. PLANNING APPLICATIONS

The Committee considered reports by the Director of Environment and Neighbourhood Services.

Resolved -

- (1) That, subject to the conditions now approved, permission be **granted** under planning legislation and, where appropriate, under the Advertisement Regulations, as follows:

172119/FUL - 35B CASTLE STREET

Installation of 2 no. Small Cabinets (1 Cabinet to be removed).

Granted as recommended.

Conditional planning permission and informatives as recommended.

Comments and objections received and considered.

172120/LBC - 35B CASTLE STREET

Installation of 2 no. Small Cabinets (1 Cabinet to be removed).

Granted as recommended.

Conditional consent and informatives as recommended.

Comments and objections received and considered.

170705/HOU - 83 CHRISTCHURCH ROAD

Proposed single storey flat roof rear and side extension resulting in an increase in the size of the C4 (Small HMO) from 4 to 5 bedrooms.

Granted as recommended.

Conditional planning permission and informatives as recommended in the original report, with additional conditions as set out below:

- Additional standard hours of work condition.

Comments and objections received and considered.

170706/HOU - 83A CHRISTCHURCH ROAD

Proposed single storey flat roof rear and side extension resulting in an increase in the size of the C4 (Small HMO) from 4 to 5 bedrooms

It was reported verbally at the meeting that an additional condition was recommended to apply to the Arboricultural and Landscape Protection Method Statement, requiring hand digging for any trenches between 83a and 85 Christchurch Road.

Granted as recommended.

Conditional planning permission and informatives as recommended in the original report, with additional conditions as set out below:

- Additional standard hours of work condition.
- Compliance with Arboricultural and Landscape Protection Method Statement condition amended to require hand digging for any trenches and a qualified person being present to ensure the tree roots were protected.

Comments and objections received and considered.

(2) That the following application be **refused** for the reasons indicated:

172045/FUL - ST PATRICK'S HALL, 20 NORTHCOURT AVENUE

Construction of 836 new student bedrooms, a cafeteria/bar, bin and bike stores, sub-station and energy centre, together with a new access link and landscaping. Demolition of the existing student accommodation block at New Court, the SETS building, the warden's house, no. 4 Sherfield Drive, the reception and common room, (resubmission of application ref. 161182) (amended description).

An update report was tabled at the meeting which gave details of further information on conditions, the travel plan, and Section 106 contributions in relation to a Traffic Regulation Order and Employment Skills and Training. The recommendations had been amended accordingly. The report also gave details of two re-consultations which had been carried out on amendments to the proposal, with deadlines for comments of 31 January and 6 February 2018, and of additional representations received.

Refused for the following reasons:

1. The proposed development would harm the character and amenity of the surrounding area for the following reasons:
 - i) the uncharacteristic height and mass results in an obtrusive, overbearing appearance;
 - ii) harm to the setting of the non-designated heritage asset 'Pearson's Court';
 - iii) the increase in the numbers of students would harm the mix and balance of the existing residential community;
 - iv) the proposal would result in a harmful loss of mature trees.

As such the proposal is considered to be an overdevelopment of the site contrary to Policies CS7, CS15, CS33, CS36 and CS38 of the Reading Borough LDF Core Strategy.

2. The proposed development would lead to unacceptable additional pressure on parking on surrounding streets. Contrary to Policies CS20 and CS24 of the Reading Borough LDF Core Strategy.

The Committee also resolved the following:

"That this Planning Applications Committee notes and supports the aspirations of the University of Reading to maintain and enhance its world-class status and recognises the need for it to attract increasing numbers of national and international students.

However, in line with the draft emerging Local Plan, this Committee believes that

the University of Reading should be providing most of the desired additional student accommodation on the main campus.

We therefore urge the University of Reading to re-activate the regular meetings with senior Reading Borough Council members and officers to discuss how the Council and the University can work better together on delivering University of Reading aspirations whilst recognising the need to minimise the impact of new developments on local residential areas.”

Comments and objections received and considered.

Objectors Richard Bennett and Ian Kemp, and Rose Lennon, Robin Upton and Robert Van de Noort on behalf of the applicant, attended the meeting and addressed the Committee on this application.

172118/FUL - 40 SILVER STREET

Demolition of existing building and erection of a part 3 and part 4 storey (plus basement level) building to provide 62 studio rooms (sui generis use class) with associated ancillary space and landscaping works.

Refused as recommended for the reasons set out in the report.

Informatives as recommended.

Comments and objections received and considered.

171086/FUL - GROVELANDS BAPTIST CHURCH, 553 OXFORD ROAD

Demolition of existing church buildings and redevelopment of the site to provide a four storey mixed use development comprised of community halls and ancillary accommodation at ground floor level, car parking and 2 x one bedroom flats and 10 x two bedroom flats at the upper floor levels.

An update report was tabled at the meeting which gave details of amended plans and further information which had been received from the applicant seeking to secure removal of certain reasons for refusal. Copies of the plans were appended to the update report. The recommendations had been amended to remove reason for refusal 4 and amend reason for refusal 3.

Refused as recommended for the reasons set out in the original report, as amended by the update report.

Informatives as recommended in the original report.

Comments and objections received and considered.

Objectors Richard Bennett and Nicky Bradley, Ward Councillor Graeme Hoskin, and Yinka Oyekan and Phil Winch on behalf of the applicant, attended the meeting and addressed the Committee on this application.

171954/FUL - 3-5 CRAVEN ROAD

Demolition of existing buildings and redevelopment to form 25 Retirement Living

units (C3 use) for older persons with communal facilities, parking and associated landscaping.

An update report was tabled at the meeting which gave details of further information received on an assessment of affordable housing provision and on a letter received from the Berkshire West Clinical Commissioning Groups.

Refused as recommended for the reasons set out in the original report.

Informatives as recommended in the original report.

Comments and objections received and considered.

Objectors Anthony Illingsworth and Wendy O'Connell, and Martin Brown and David Townsend on behalf of the applicant, attended the meeting and addressed the Committee on this application.

- (3) That consideration of the following application be deferred for the reason indicated:

172135/FUL - 1 DERBY ROAD, CAVERSHAM

Change of use from physiotherapy clinic and residential to day school, ancillary to existing school at 14-16a Peppard road (retrospective). Single storey extension (amended description).

Deferred for further consideration of late information.

- (4) That, subject to the requirements indicated, the Head of Planning, Development and Regulatory Services be **authorised to determine** the following applications under planning legislation:

171971/FUL - 1 DARWIN CLOSE

Demolition of existing building and erection of two storey building for Class B1 and Class B8 uses with associated parking and hardstanding.

The issue of planning permission to be dependent on the completion of a Section 106 legal agreement by 7 March 2018 (unless a later date be agreed by the Head of Planning, Development and Regulatory Services), to secure the Heads of Terms set out in the report.

In the event of the requirements set out not being met, the Head of Planning, Development and Regulatory Services be authorised to refuse permission.

Conditional planning permission and informatives as recommended.

Comments received and considered.

(The meeting started at 6.30 pm and closed at 8.45 pm).

SIGNED:

DATE: