

PLANNING APPLICATIONS COMMITTEE MEETING MINUTES - 4 MARCH 2020

Present: Councillor McKenna (Chair);
Councillors Sokale (Vice-Chair), Carnell, Duveen, Ennis, Lovelock, McEwan, Page, Robinson, Rowland, DP Singh, Stanford-Beale, J Williams and R Williams

RESOLVED ITEMS

122. MINUTES

The Minutes of the meeting held on 5 February 2020 were agreed as a correct record and signed by the Chair.

123. DECLARATIONS OF INTEREST

Councillor Ennis declared a prejudicial interest in Item 134 (191659/REG3 - Former Reading Family Centre) on the grounds of predetermination.

Councillor Lovelock declared prejudicial interest in Item 136 (182114/OUT - Land Adjacent Thorpe House) on the grounds of predetermination.

Councillor Singh declared a personal, non-pecuniary interest in Item 136 (182114/OUT - Land Adjacent Thorpe House).

124. QUESTIONS

The following questions were asked in accordance with Standing Order 36:

a) Viability and Affordable Housing Contributions

Councillor Sokale asked the Chair of the Planning Applications Committee:

Can the Chair of Planning Applications Committee provide a brief explanation of how viability impacts upon affordable housing contributions?

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

Thank you for your question. I have asked officers to prepare a briefing note on this, which is attached. If you or any members of the Committee have any supplementary questions on this, you can ask them now.

(The full text of the question, answer and briefing note was made available on the Reading Borough Council website)

b) Checking Planning Conditions Have Been Met

Councillor J Williams asked the Chair of the Planning Applications Committee:

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Planning Conditions are often vital to an application being acceptable when measured against Reading's Local Plan and against the expectations of local residents. People living in an area of a new development expect that building work will be done in a neighbourly way, within reasonable hours, and without too much dust and disturbance. Reading residents expect that when conditions are set on all kinds of things like tree planting, management plans, hours of use, litter and so many others, that those conditions will be met. Some Conditions stipulate they must be met before a development can be occupied and used.

Residents often leave planning meetings disappointed in a decision taken by this committee, but at least heartened by the conditions applied. Can the Chair of Planning tell us what levels of proactive checking the Council undertakes to ensure that Planning Conditions are met and adhered to?

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

The simple answer to your question is that unfortunately the Council is not in a position to perform routine proactive monitoring of the conditions applied to planning permissions and other approvals/consents.

This is not from a lack of will, but rather a lack of people. Similar to all of local government, budgets have been cut and so we have fewer officers to do an array of important tasks.

Instead, the planning authority must rely on other RBC departments and our residents, who are directly impacted, to bring issues regarding planning conditions to our attention. Then the Planning Enforcement Team or the relevant case officer would investigate.

Before further answering this question, it may be useful to clarify the rules relating to the use of conditions when granting planning permission.

The National Planning Policy Framework (2019) sets out that the purpose of a planning condition is to enable an otherwise unacceptable development to be made acceptable by requiring further details to be approved, uses controlled or preventing undesirable works or uses from taking place.

Para 55 of the NPPF advises that Planning conditions should be (i) kept to a minimum and only imposed where they are (ii) necessary, (iii) relevant to planning and to the development to be permitted, (iv) enforceable, (v) precise and (vi) reasonable in all other respects.

These are the 6 tests as established by circular 11/1995, which remain in force. These tests apply even if the applicant suggests or agrees to a condition or it is suggested by Members of planning committee or consultees.

Developers can appeal planning conditions they disagree with and if the condition does not meet these tests it will invariably be struck off by planning inspectors.

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In addition, government has confirmed that the following types of conditions are not allowed:

1. Conditions which unreasonably impact on the deliverability of a development;
2. Conditions which reserve outline application details;
3. Conditions which require the development to be carried out in its entirety;
4. Conditions which duplicate a requirement for compliance with other regulatory requirements - e.g. building regulations;
5. Conditions requiring land to be given up;
6. Positively worded conditions requiring payment of money or other consideration;

In summary the imposition of a planning condition must be justified and the terms carefully drafted if it is to pass these tests and then be enforceable if the terms are not met.

So, returning to the question - in the majority of cases developments are permitted with just a few standard planning conditions. Typically, these set a time limit for works to start (normally 3 years), require materials to closely match existing or be as shown on the plans and to ensure the approved plans are followed. Again, in the majority of cases, the developer adheres to these or can make use of the process to change small details if they need to.

It is the responsibility of the developer to comply with planning conditions by adhering to restrictions or submitting additional information for approval and complying with what has been approved. When this does not happen officers first seek voluntary compliance but could issue a Breach of Condition Notice (BCN) if needed. In exceptional cases where the breach of condition makes a development completely unauthorised officers can resort to serving an Enforcement Notice.

Taking any enforcement action is discretionary and officers will generally work with neighbouring residents and the developer to sort matters out more quickly than being forced to rely upon the often lengthy enforcement process.

The Committee should be advised that with the present Enforcement Team Leader giving notice that he is to retire our Acting Planning Manager is taking the opportunity to review the job description for this role to include some element of proactive condition monitoring. This will assist developers in meeting the duties imposed on them by Reading Borough Council acting as the local planning authority.

125. POTENTIAL SITE VISITS FOR COMMITTEE ITEMS

The Executive Director for Economic Growth 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 -

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- (1) That the under-mentioned application, together with any additional applications which the Assistant Director of Planning, Transport and Regulatory Services might consider appropriate, be the subject of an unaccompanied site visit:

191496 - MEADWAY PRECINCT, HONEY END LANE

Outline planning application (Access only. Appearance, Landscaping, Layout and Scale Reserved for future consideration) for the redevelopment of the Meadway precinct including partial demolition, refurbishment and extension of existing retail units and creation of new retail premises within Use Classes A1, A2, A3, A4, A5, D1 and D2, 266 new residential dwellings (Use Class C3), new car park and servicing arrangements, bin stores, engineering operations including re-profiling of embankment and associated landscaping, re-location of public toilets within precinct.

- (2) That the under-mentioned application, together with any additional applications which the Assistant Director of Planning, Transport and Regulatory Services might consider appropriate, be the subject of an accompanied site visit:

192052 - 45 WATLINGTON STREET

Single storey rear extension, alterations to fenestration and provision of roof light to forward roof slope.

126. PLANNING APPEALS

(i) New Appeals

The Executive Director for Economic Growth and Neighbourhood Services submitted a schedule giving details of notification received from the Planning Inspectorate regarding one planning appeal, 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 Executive Director for Economic Growth and Neighbourhood Services submitted details of four decisions that had been made by the Secretary of State, or by an Inspector appointed for the purpose, which were attached as Appendix 2 to the report.

(iii) Reports on Appeal Decisions

The Executive Director for Economic Growth and Neighbourhood Services tabled update reports at the meeting on the following appeal decisions:

190434/FUL - 27-43 BLENHEIM ROAD, CAVERSHAM

Erection of 3 dwellings with parking, landscaping and access from Blenheim Road.

Written representations.

Appeal dismissed.

181404/FUL - LAND TO THE REAR OF 578-584 OXFORD ROAD

Demolition of existing building and erection of two storey building containing 4 x Studio flats.

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 appeal decisions set out in the update reports be noted.

127. APPLICATIONS FOR PRIOR APPROVAL

The Executive Director for Economic Growth and Neighbourhood Services submitted a report giving details in Table 1 of 21 pending prior approval applications, and in Table 2 of four applications for prior approval decided between 27 January and 20 February 2020.

Resolved - That the report be noted.

128. STREET NAME ASSIGNMENT - DEVELOPMENT AT FORMER COX & WYMAN SITE, CARDIFF ROAD

The Executive Director of Economic Growth and Neighbourhood Services submitted a report asking the Committee to agree street names for three roads in a development site on the former site of Cox & Wyman printers in Cardiff Road. A plan of the site was attached to the report at Appendix 1.

The report stated that the developer had not suggested any street names, but during consultation, comments had been received from Councillor Page, who had consulted with residents, and a list of suggested appropriate street names was set out in paragraph 4.3.

The report stated that, if none of the proposed names were considered suitable, the Committee should select an alternative from the Approved Street Names List which was attached to the report at Appendix 2.

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At the meeting, Councillor Page proposed using the following names, with the use of Road/Street/Close to be determined by officers, as appropriate:

Road 1 - Printers
Road 2 - Cox
Road 3 - Wyman

Resolved - That the following names be used for the development:

Road 1 - Printers
Road 2 - Cox
Road 3 - Wyman

129. 182137/FUL - BROAD STREET MALL, BROAD STREET

Construction of three residential buildings (Use Class C3) ranging in height from 5 to 20 storeys above Broad Street Mall(Site E to provide 42 units, Site B to provide up to 134 Units and Site A to provide up to 148 units) and provision of a podium level amenity area, Construction of a 16 storey building on South Court comprising ground and first floor retail(Use Class A1/A2/A3) and residential over upper floors (Use Class C3, Site C to provide up to 98 units), Creation of ground floor retail units (Use Class A1/A3/A4) fronting Dusseldorf Way and ground floor retail (Use Class A1/A2/A3) fronting Queens Walk, all necessary enabling and alteration works required within the existing Broad Street Mall basement, ground and upper floors, Associated car park alterations, provision of servicing and refuse storage, cycle parking, public realm, landscape, and other associated works (amended description)

The Executive Director for Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which set out further consultation responses received, further appraisals of affordable housing, landscape, ecology, transport and wind/microclimate, and listed drawings and submitted documents. The recommendation had been amended accordingly, including an additional head of terms for the Section 106 agreement and additional conditions.

A further update report was tabled at the meeting presenting a paper received from Historic England's Historic Places Panel of their review 'Reading Town Centre: The Abbey Quarter, Minster Quarter and Oxford Road'.

Comments and objections were received and considered.

Objectors Evelyn Williams and Anthony Ihringer, and Tim Vaughan, Gary Lewis and Chris Beard representing the applicant, attended the meeting and addressed the Committee on this application.

Resolved -

- (1) That the Deputy Director of Planning, Transport and Regulatory Services be authorised to grant full planning permission for application 182137/FUL, subject to no new substantive consultation responses by 20 March 2020,

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subject to satisfactory wind/microclimate verification and subject to completion of a S106 legal agreement by 23 March 2020 (unless a later date be agreed by the Deputy Director of Planning, Transport and Regulatory Services) to secure the Heads of Terms set out in the original report and the additional Heads of Terms set out in the update report, with the financial contribution of £633,000 “as mitigation to ensure improved capacity at local parks within Abbey Ward” to be amended to refer instead to open space in the town centre local to the development;

- (2) That, in the event of the requirements set out not being met, the Deputy Director of Planning, Transport and Regulatory Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives recommended in the original report, with the additional conditions recommended in the update report and an additional condition, with wording to be developed with the applicant and the car park leaseholder, to require additional roof greening to cover the car park, with that condition to be brought back to the Committee for approval;
- (4) That the Planning Applications Committee request that further consideration be given by the Strategic Environment, Planning and Transport Committee on options to secure additional open space in the Minster Quarter area, including the provision of new green decking over the Inner Distribution Road.

130. 198141/FUL - HOUSE OF FRASER, THE ORACLE, BRIDGE STREET

Subdivision of three-storey retail unit (Class A1) and change of use to form: 1x flexible retail/restaurant/bar unit (Class A1/A3/A4), 1x flexible retail/restaurant unit (Class A1/A3) and 1x assembly and leisure unit (Class D2) at Riverside level; 1x retail unit (Class A1) and 1x assembly and leisure unit (Class D2) at lower ground level; 1x retail unit (Class A1) at upper ground level, together with alterations to the Riverside frontage and associated plant, car parking and external alterations at car park levels.

The Executive Director for Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting that gave details of a further consultation response received.

Comments and objections were received and considered.

Resolved -

- (1) That the Deputy Director of Planning, Transport and Regulatory Services be authorised to grant full planning permission for application 191841/FUL subject to completion of a S106 legal agreement by 25 March 2020 (unless a later date be agreed by the Deputy Director of Planning, Transport and

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Regulatory Services) to secure the Heads of Terms set out in the original report;

- (2) That, in the event of the requirements set out not being met, the Deputy Director of Planning, Transport and Regulatory Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives recommended in the original report.

131. 191848/FUL - GREYFRIARS CHURCH, FRIAR STREET

Demolish Existing Church Centre, Construct New Three Storey Church Centre with Plant Enclosure on Roof and Single Storey Glazed Link at Ground Floor Level. Associated hard and Soft Landscaping and External Works.

The Executive Director for Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which gave details of comments received from Reading Civic Society and further information on transport matters and noise mitigation conditions and clarified an error in the original report. The update report recommended additional and amended conditions.

Comments were received and considered.

Resolved - That planning permission for application 191848/FUL be granted, subject to the conditions and informatives as recommended in the original report, with the additional and amended conditions as recommended in the update report.

132. 191924/FUL - 26-30 SWANSEA ROAD AND 28-32 NORTHFIELD ROAD

Full planning application for the demolition of the existing 2-bedroom dwelling and garages, and erection of nine dwellings, including eight three-bedroom houses and one three-bedroom coach house, with access and parking from Swansea Road, and associated landscaping.

Further to Minute 114 of the meeting held on 5 February 2020, when the Committee had granted permission for the above application subject to a Section 106 legal agreement, the Executive Director for Economic Growth and Neighbourhood Services submitted a report clarifying what could be secured by the Section 106 agreement and how the applicant intended to develop the site with affordable housing, and recommending amending the decision in relation to the Section 106 obligation on affordable housing.

The report explained that, on 5 February 2020, the Committee had resolved to grant permission subject to a Section 106 agreement to secure 100% affordable housing on-site with the tenure to be all shared ownership, as set out in the original report. As this had not been as advised in the update report or at the meeting, officers had been asked to provide a fuller explanation for the recommendations in the update report. The report gave further details of the regulations regarding Section 106 planning obligations and how

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the applicant intended to provide all nine dwellings as affordable housing, but the proposed obligation could help the applicant to secure grant funding from Homes England. The original and update reports submitted to the 5 February 2020 meeting were appended to the report.

A further update report was tabled at the meeting which explained that further changes had been agreed to the Section 106 agreement to ensure that those on Reading's waiting list for affordable accommodation would be given priority to be allocated the two affordable rent houses. The recommendation had been amended accordingly.

Daniel Bradbury and Jenny Grote, representing the applicant, attended the meeting and addressed the Committee on this application.

Resolved -

That, further to Minute 114 of the meeting of Planning Applications Committee held on 5 February 2020, the decision of the Committee on 5 February 2020 be amended to the following:

- (1) That the Deputy Director of Planning, Transport and Regulatory Services be authorised to grant full planning permission for application 191924/FUL subject to completion of a S106 legal agreement by 20 March 2020 (unless a later date be agreed by the Deputy Director of Planning, Transport and Regulatory Services) to secure the Heads of Terms set out in the 4 March 2020 update report;
- (2) That, in the event of the requirements set out not being met, the Deputy Director of Planning, Transport and Regulatory Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives in the 4 March 2020 update report, with the additional transport conditions in the 5 February 2020 update report and an additional informative regarding facilitation of access for building recording as agreed on 5 February 2020.

(At the beginning of the item, the Committee resolved to waive Standing Order 36A (3) c), to allow the representatives of the applicant to speak on the application without another person having given notice to speak in accordance with Standing Order 36A (2)).

133. 192052/HOU - 45 WATLINGTON STREET

Single storey rear extension, alterations to fenestration and provision of roof light to forward roof slope.

The Executive Director for Economic Growth and Neighbourhood Services submitted a report on the above application.

Objector Helen Attwater and the applicant's agent Zoe Smith attended the meeting and addressed the Committee on this application.

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Resolved - That consideration of the application be deferred to allow an accompanied site visit.

134. 191659/REG3 - FORMER READING FAMILY CENTRE, NORTH STREET

Two buildings of four and five storeys providing 41 dwellings as affordable housing units including vehicular, cycle and pedestrian access, parking and hard and soft landscaping.

The Executive Director for Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which gave further information on trees and landscaping, comments received from Berkshire Archaeology and carbon off-setting, contained an updated list of drawings and plans and had appended the updated drawings. The update report recommended three additional conditions and an amendment to the carbon off-setting contribution in the Section 106 legal agreement.

Comments and objections were received and considered.

Councillor Ennis declared a prejudicial interest in this item on the grounds of predetermination, made a statement as Lead Councillor then left the room and took no part in the debate or decision. Nature of interest: Councillor Ennis was the Lead Councillor for Housing and had formed a predetermined view on the application.

Resolved -

- (1) That the Deputy Director of Planning, Transport and Regulatory Services be authorised to grant full planning permission for application 191659/REG3 subject to completion of a Section 106 legal agreement by 25 March 2020 (unless a later date be agreed by the Deputy Director of Planning, Transport and Regulatory Services) to secure the Heads of Terms set out in the original report, with the amendment recommended in the update report;
- (2) That, in the event of the requirements set out not being met, the Deputy Director of Planning, Transport and Regulatory Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives as recommended in the original report, with the additional conditions recommended in the update report.

135. 190980/OUT - 2 & 4 SEND ROAD, CAVERSHAM

Demolition of 2 & 4 Send Road. New development comprising of 14 x 1 bed flats and 2 x 2 bed flats. Access proposed from Send Road & Forge Close.

It was reported at the meeting that this application had been withdrawn.

136. 182114/OUT - THORPE HOUSE, COLLIERS WAY

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Outline application for proposed residential redevelopment to provide 6 no. 3-bedroom dwelling houses.

The Executive Director for Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which set out details of further objections and a residents' petition received and corrected a typographical error in the original report.

Comments and objections were received and considered.

Objector Mrs HO Fortnum, and Mr Wollenburg on behalf of the applicant, attended the meeting and addressed the Committee on this application.

Councillor Lovelock declared a prejudicial interest in this item on the grounds of predetermination, made a statement as Ward Councillor then left the room and took no part in the debate or decision. Nature of interest: Councillor Lovelock had formed a predetermined view on the application.

Councillor Singh declared a personal, non-pecuniary interest in this item, moved to the public gallery and took no part in the debate or decision. Nature of interest: Councillor Singh lived next door to the application site.

Resolved -

That application 182114/OUT be refused for the reasons set out in the original report, with the informatives as recommended.

137. EXCLUSION OF THE PRESS AND PUBLIC

Resolved -

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of item 138 as it was likely that there would be a disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A (as amended) of the Act.

138. S215 NOTICE - WORKS IN DEFAULT

The Director for Economic Growth and Neighbourhood Services submitted a report seeking approval to carry out works in default on two addresses where notices under Section 215 of the Town and Country Planning Act 1990 had been served but no voluntary compliance had been achieved.

Resolved -

- (1) That the report and the provisions of Sections 215-219 of the Town and Country Planning Act 1990 be noted;

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- (2) That the Council's Planning Enforcement Officers be authorised to take the action required to comply with the Section 215 notices at the addresses set out in paragraphs 2.2 and 2.3 of the report.

(Exempt information as defined in paragraphs 6 & 7).

(The meeting started at 6.30 pm and closed at 11.03 pm)