

## PLANNING APPLICATIONS COMMITTEE MEETING MINUTES - 7 DECEMBER 2022

**Present:** Councillors Leng (Vice-Chair, in the Chair), Carnell, Emberson, Ennis, Gavin, Hornsby-Smith, Moore, Page, Robinson, Rowland, Williams and Yeo

**Apologies:** Councillors Lovelock

### RESOLVED ITEMS

#### 60. MINUTES

The minutes of the meeting held on 2 November 2022 were agreed as a correct record and signed by the Chair.

#### 61. DECLARATIONS OF INTEREST

Councillor Emberson declared a prejudicial interest in Item 71 on the grounds of predetermination as she had promoted the scheme as Lead Councillor for Housing.

Councillor Ennis declared a prejudicial interest in Item 73 on the basis that he was the applicant.

#### 62. QUESTIONS

Councillor Josh Williams asked the following question of the Chair of the Planning Applications Committee:

##### Affordable Housing for Reading

Reading's residents desperately need good quality, warm housing that they can afford to live in. The planning system demands a policy compliant 30% affordable housing to be provided on developments over 10 dwellings, but this is often avoided and instead a deferred payment mechanism put in place, where developers agree to pay the Council money if their scheme makes more profit than originally claimed. Does this work?

Can the Chair please provide the committee with a list of all the deferred payment mechanisms for affordable housing have been put in place in the last ten years, along with the payment amount that would have been policy compliant, and the payment amount that was actually received.

**REPLY** by Councillor Leng on behalf of Councillor Lovelock (Chair of the Planning Applications Committee):

This question relates to the requirement in policy H3 of the Local Plan that residential developments of 10 or more dwellings will deliver 30% of the development as on-site affordable housing units.

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National policy refers to the potential for applicants to use viability assessments to demonstrate that delivering affordable housing at policy-compliant levels is not viable, and that therefore a reduced provision is appropriate. Paragraph 58 of the National Planning Policy Framework in particular states that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage”*. The potential for applicants to demonstrate a viability case for a lower provision is also referred to within our own local policies, in particular H3 of the Local Plan as well as the Affordable Housing SPD. A policy that did not contain such provisions would have had little chance of being found sound at the Local Plan examination.

The approach to viability assessments is set out in national Planning Practice Guidance. This includes guidance on how the various costs should be established and existing use values defined. It also includes a general expectation that assessments should factor in a 15-20% developer profit. This approach is reflected in our own Affordable Housing SPD.

Therefore, it is an established principle through both policy and practice that an applicant can seek to demonstrate a viability case for a lower affordable housing provision or an off-site financial contribution. Were the Council to refuse an application that had made a viability case that complies with the accepted approach on the basis of not complying with policy H3, there would be a strong likelihood that the application would be allowed on appeal, with the Council also potentially being liable for costs.

Viability assessments are always challenged and negotiated by officers. If the viability assessment demonstrates to officer satisfaction that a development would not be viable if 30% affordable housing is provided (either through dwellings on site or a financial contribution) officers will negotiate alternative ways to outweigh the deficit or to reduce the policy requirement to allow some benefit to still be captured.

One of these ways is to agree a Deferred Payment Mechanism. Deferred payment mechanisms are a standard tool, used by local authorities and accepted by the industry.

A deferred payment mechanism can be used when it is anticipated that sale values may increase or build costs drop leading to an increase in actual profit that can be shared between the developer and the Council to top up an initially low on-site provision of affordable dwellings or off-site financial contribution.

It is accepted that agreeing a deferred payment mechanism is a risk as an increase in profit is not guaranteed. However, it provides a commercial basis for achieving policy compliance while allowing housing, which is of good quality and in all other policy respects is acceptable, to come forward in the meantime.

I have attached a table of those planning decisions made over the past 10 years where a Deferred Payment Mechanism was agreed and the outcome of those cases. *(Table published with the questions and responses on the Reading Borough Council website).*

Councillor James Moore asked the following question of the Chair of the Planning Applications Committee:

Affordable Housing Contributions

What percentage of approved planning applications regarding housing development have met the 30% affordable housing contribution threshold since this policy was adopted as part of the Local Plan in November 2019?

**REPLY** by Councillor Leng on behalf of Councillor Lovelock (Chair of the Planning Applications Committee):

This question relates to the requirement in policy H3 of the Local Plan that residential developments of 10 or more dwellings will deliver 30% of the development as on-site affordable housing units. Before setting out details of the degree to which this has been delivered in practice, it is worth setting out some context.

National policy refers to the potential for applicants to use viability assessments to demonstrate that delivering affordable housing at policy-compliant levels is not viable, and that therefore a reduced provision is appropriate. Paragraph 58 of the National Planning Policy Framework in particular states that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage”*. The potential for applicants to demonstrate a viability case for a lower provision is also referred to within our own local policies, in particular H3 of the Local Plan as well as the Affordable Housing SPD. A policy that did not contain such provisions would have had little chance of being found sound at the Local Plan examination.

The approach to viability assessments is set out in national Planning Practice Guidance. This includes guidance on how the various costs should be established and existing use values defined. It also includes a general expectation that assessments should factor in a 15-20% developer profit. This approach is reflected in our own Affordable Housing SPD.

Therefore, it is an established principle through both policy and practice that an applicant can seek to demonstrate a viability case for a lower affordable housing provision or an off-site financial contribution. Were the Council to refuse an application that had made a viability case that complies with the accepted approach on the basis of not complying with policy H3, there would be a strong likelihood that the application would be allowed on appeal, with the Council also potentially being liable for costs.

It is also worth noting that, where a development is genuinely not viable but still seeks to provide policy-compliant affordable housing, it is unlikely to ever be delivered. In such a case, accepting a reduced level of provision is the only way to secure any additional affordable housing, as well as boosting housing provision overall.

In terms of the specific information requested, since the Local Plan was adopted on 4<sup>th</sup> November 2019, there have been a total of 21 planning applications approved for 10 or more dwellings to which the 30% requirement in policy H3 of the Local Plan applies. This excludes applications for prior approval under permitted development rights, where there is no ability to require affordable housing.

Of the 21 total permissions, eight have been subject to a requirement to provide at least 30% affordable housing on site. This represents 38% of all applications.

However, a number of those permissions have been for Local Authority New Build for which the purpose of the development has been the delivery of affordable housing. If LANB schemes are excluded, there are 17 total permissions and four exceeding the 30% requirement, representing 24% of permissions.

### **63. POTENTIAL SITE VISITS FOR COMMITTEE ITEMS**

The Executive Director for Economic Growth and Neighbourhood Services submitted a report with a schedule of applications to be considered at future meetings of the Committee attached at Appendix 1 to enable Councillors to decide which sites, if any, they wished to visit prior to determining the relevant applications.

Attached to the report at Appendix 2 was a list of previously agreed site visits and a verbal update was given at the meeting on the proposed dates for these to take place.

#### **Resolved -**

- (1) That the under-mentioned application, together with any additional applications which the Assistant Director of Planning, Transport and Public Protection Services might consider appropriate, be the subject of accompanied site visits:

#### **221693/FUL - 63-86 ROWE COURT**

Demolition of any remaining fire damaged structure and re-instatement of 63-86 Rowe Court to provide a four storey building, to provide 24 studios/ one-bed, one person homes, associated car parking, cycle parking, refuse, amenity and landscaping.

- (2) the proposed dates for previously agreed site visits be noted.

### **64. 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 a 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 seven 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 submitted reports on the following appeal decisions in Appendix 3:

**210923/TPO - 51 ORCHARD GROVE, EMMER GREEN**

Fell one Oak tree in rear garden.

Written representations.

Appeal dismissed.

**210544/FUL - LAND ADJACENT TO THE MOORINGS, MILL GREEN, CAVERSHAM**

Vehicular access with permeable surface on land south of Mill Green to provide access to The Moorings.

Written representations.

Appeal dismissed.

**210328/HOU - 11 WHITEKNIGHTS ROAD**

Single storey rear extension.

Written representations.

Appeal allowed.

**210714/VAR- THE ABBEY SCHOOL 17 KENDRICK ROAD**

Variation of conditions 6 (hedge height and density) and 13 (hours of floodlighting) of planning permission 120948 (for Development of an all-weather playing field with floodlights and fencing), namely to remove section of hedge and replace with railings, pillars and brick wall and to increase the hours of use of floodlighting.

Written representations.

Appeal dismissed.

**Resolved -**

- (1) That the new appeal, 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 reports on the appeal decisions in Appendix 3 and the update report be noted.

#### **65. APPLICATIONS FOR PRIOR APPROVAL**

The Executive Director for Economic Growth and Neighbourhood Services submitted a report giving details in Table 1 of five prior approval applications received, and in Table 2 of 12 applications for prior approval decided, between 24 October and 25 November 2022.

**Resolved -** That the report be noted.

#### **66. 62 TILEHURST ROAD - PROPOSAL TO ADD TO THE LIST OF LOCALLY-IMPORTANT BUILDINGS AND STRUCTURES**

The Executive Director of Economic Growth and Neighbourhood Services submitted a report on a proposal to add 62 Tilehurst Road to the List of Locally-Important Buildings and Structures. The following documents were attached to the report:

- Appendix 1: Location map
- Appendix 2: Relevant photos and images
- Appendix 3: Proposed Local List text
- Appendix 4: Nomination form

The report set out details of consultation on the proposal and an assessment against the criteria in Appendix 2 of the Reading Borough Local Plan, concluding with reasons why the building qualified for addition to the Local List.

At the meeting the Committee expressed interest in inclusion of the neighbouring Coach House within the Listing on the grounds that the buildings formed a group which as a whole had a unified architectural or historic value to the local area. Officers were requested to carry out the required consultation on the Coach House and report back to a future meeting of the Committee.

**Resolved -**

- (1) That 62 Tilehurst Road be added to the list of Locally-Important Buildings and Structures;
- (2) That a report be submitted to a future meeting of the Committee on the potential inclusion of the Coach House within the Listing.

#### **67. 220028/FUL - 62 GOLDSMID ROAD**

Proposed erection of a part single part two storey rear extension to dwelling, following demolition of the existing outbuilding and conversion to HMO.

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The Executive Director of Economic Growth and Neighbourhood Services submitted a report on the above application. A verbal update was given at the meeting to clarify that Councillors Page and Rowland had called in the application.

Comments and objections were received and considered.

### Resolved -

That consideration of application 2200028/FUL be deferred for more information on the proposed kitchen layout and how potential ventilation issues would be addressed.

### 68. 221232/FUL & 221233/LBC - 1-15 QUEEN VICTORIA STREET & 145-148 FRIAR STREET

221232/FUL - Demolition of No. 146 Friar St and structures to rear and partial demolition of No. 145 Friar St and various external works to other existing buildings, as part of redevelopment to provide: reconfigured basement and ground floor uses (Class E(a) or (b)) on Friar St and Queen Victoria St frontages and proposed apart-hotel (Class C1) at part-basement, part-ground and on all upper floors; part-two, part-three storey rear extension to No's 5-15 (odd) Queen Victoria St; replacement basement and five storey building at No. 145 Friar St and two-storey roof extension to No. 146 Friar St; proposed public courtyard accessed via Queen Victoria St walkway; roof level plant; and various other associated works.

221233/LBC - Various internal and external works associated with No's 147 and 148 Friar St and No's 1 - 15 (odd) Queen Victoria St, including part-two, part-three storey rear extension to No's 5-15 (odd) Queen Victoria St, as part of redevelopment to provide reconfigured basement and ground floor uses (Class E(a) or (b)) on Friar St and Queen Victoria St frontages and proposed apart-hotel (Class C1) and on all upper floors.

The Executive Director of Economic Growth and Neighbourhood Services submitted a report on the above applications. An update report was tabled at the meeting which set out information on: floor space and CIL, additional information submitted by the applicant, an omission from the site planning history set out in the original report, a further response to the public consultation, sunlight matters, sustainability and energy matters and pre-commencement conditions / clarifications regarding repair works to 12 roof level gables at 1-15 Queen Victoria Street and 148 Friar Street.

The update report also summarised additions to the recommended conditions and set out an updated conclusion. For application 221232/FUL amended wording was recommended for conditions 3, 4, 5, 6, 14, 15, 21, 23, 25, 26, 27 and 28, to include reference to the roof level gables, and four additional conditions (relating to sustainability, energy and the roof gables) and one additional informative were recommended.

Comments were received and considered.

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### Resolved -

221232/FUL

- (1) That the Assistant Director of Planning, Transport and Public Protection Services be authorised to grant planning permission subject to the completion of a Section 106 legal agreement by 21 December 2022 (unless a later date be agreed by the Assistant Director of Planning, Transport and 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 Assistant Director of Planning, Transport and Public Protection 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 amended and additional conditions and additional informative as set out in the update report;

221233/LBC

- (4) That listed building consent for application 221233/LBC be granted, subject to the conditions and informatives as recommended in the original report.

### 69. 221235/FUL - 138-144 FRIAR STREET

Demolition of No's 138-141 & 142-143 Friar St, partial demolition of No. 144 Friar St and erection of ground, mezzanine and 1st to 6th floor (7 storey) hotel building with 163 bedspaces (Class C1), with ancillary ground floor lounge, bar and restaurant and associated works.

The Executive Director of Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which set out additional responses to the public consultation, additional information submitted by the applicant, an update on daylight and sunlight matters, an update on sustainability and energy matters, an update in relation to pre-commencement conditions and an updated conclusion. The update report also recommended an amendment to proposed Condition 5 regarding demolition works and a related additional informative, and three additional conditions regarding sustainability and energy.

Comments and objections were received and considered.

### Resolved -

- (1) That the Assistant Director of Planning, Transport and Public Protection Services be authorised to grant full planning permission for application 221235/FUL, subject to completion of a section 106 legal agreement by 21 December 2022 (unless a later date be agreed by the Assistant Director of



Planning, Transport and Public Protection 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 Assistant Director of Planning, Transport and Public Protection 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 amended condition and additional conditions and informative as recommended in the update report.

**70. 221520/LBC - VARIOUS LOCATIONS, CENTRAL READING**

Listed Building Consent for works including repairs and cleaning to Zinzan Chest Tomb, Jubilee Cross, Simeon Monument and Victoria Statue

The Executive Director of Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which set out additional information on materials, an amendment to the proposed wording on the Jubilee Cross inscription and a summary of further consultation responses received. An amendment to the condition regarding materials was recommended.

Comments were received and considered.

**Resolved -**

- (1) That, subject to no substantive objections being received before the expiry of the consultation period on 8 December 2022, the Assistant Director of Planning, Transport & Public Protection Services be authorised to grant Listed Building Consent for application 221520/LBC;
- (2) That consent be subject to the conditions and informatives as recommended in the original report, with the amended condition as recommended in the update report.

**71. 220856/REG3 - FORMER FAMILY CENTRE NORTH STREET**

Development of 37 new affordable dwellings including vehicular, cycle and pedestrian access, parking and hard and soft landscaping as an amended scheme to the extant scheme for 41 dwellings under planning permission 191659.

The Executive Director of Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which set out additional information on sustainability.

Comments were received and considered.

**Resolved -**

- (1) That the Assistant Director of Planning, Transport and Public Protection Services be authorised to grant full planning permission for application 220856/REG3, subject to completion of a unilateral undertaking by 23 December 2022 (unless a later date be agreed by the Assistant Director of Planning, Transport and Public Protection Services) to secure the Heads of Terms as set out in the original report;
- (2) That, in the event of the requirements set out not being met, the Assistant Director of Planning, Transport and Public Protection Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives as recommended in the original report.

(Councillor Emberson declared a prejudicial interest in this item on the grounds of predetermination as she had promoted the scheme as Lead Councillor for Housing. She left the meeting and took no part in the debate or decision).

## 72. 220258/FUL - 220 ELGAR ROAD SOUTH

Residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings together with associated works (re-submission of application 210526).

The Executive Director of Economic Growth and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which set out information on access to open space at Waterloo Meadows.

Comments and objections were received and considered.

At the meeting it was moved and agreed that the application be refused for the reasons set out in the resolution below.

### Resolved -

That planning permission for application 220258/FUL be refused for the following reasons:

- (1) The proposed development only includes one 3-bedroom dwelling, significantly below the policy requirement of 50%, and therefore fails to contribute adequately to the need for family sized accommodation contrary to Policy H2 (Density and Mix) of the Reading Borough Local Plan 2019;
- (2) The proposed development includes insufficient outdoor amenity space and is not reflective of the context of development in the vicinity, which would detrimentally affect the overall amenity and living conditions for future residents contrary to Policy CC7 (Design and the Public Realm), Policy CC8

(Safeguarding Amenity) and Policy H10 (Private and Communal Outdoor Space) EN9 (Provision of Open Space) and EN14 (Trees, Hedges and Woodlands) of the Reading Borough Local Plan (2019));

- (3) In the absence of a completed S106 Legal Agreement the proposed development fails to contribute adequately to the employment, skills or training needs of local people with associated socio-economic harm, contrary to Policy CC9 (Securing Infrastructure) of the Reading Borough Local Plan (2019) and the Employment Skills and Training SPD (2013), fails to adequately contribute to the Affordable Housing needs within the Borough contrary to policies CC9 (Securing Infrastructure) and H3 (Affordable Housing) of the Reading Borough Local Plan (2019), Affordable Housing SPD (2021) and Planning Obligations under S106 SPD (2015), fails to provide suitable mitigation for its impacts on energy use/climate change contrary to Policy H5 (Standards for New Housing) and CC9 (Securing Infrastructure) of the Reading Borough Local Plan (2019) and the Council's adopted Sustainable Design and Construction SPD (2019) and Planning Obligations under Section 106 SPD (2015) and fails to make adequate provision for open space contrary to Policy EN9 (Provision of Open Space) of the Reading Borough Local Plan (2019).

**73. 221493/TPO - 5 HAMPSTEAD COURT, GROVELANDS ROAD**

Works to protected trees.

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

**Resolved -**

That the proposed tree works under application 221493/TPO be approved.

(Councillor Ennis declared a prejudicial interest in the above application on the grounds that he was the applicant. He left the meeting and took no part in the discussion or decision).

**74. 221544/FUL - KINGS MEADOW WOODLAND, NAPIER ROAD**

Temporary Change of Use for up to 45 days in a calendar year, to Change from Class F2 (Local Community Uses) to Christmas Party Events at Kings Meadow, with the site being restored to its former condition at, or before 14:00hrs on 31st December 2022

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

Comments were received and considered.

**Resolved -**

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That temporary planning permission for application 221544/FUL be granted, subject to the conditions and informatives set out in the report.

(The meeting started at 6.30 pm and closed at 8.06 pm)