

## PLANNING APPLICATIONS COMMITTEE MEETING MINUTES - 3 APRIL 2019

- Present:** Councillor Maskell (Chair);  
Councillors Rowland (Vice-Chair), Brock, Emberson, Gavin, McEwan, Page, Robinson, DP Singh, Vickers, J Williams and R Williams
- Apologies:** Councillors

### RESOLVED ITEMS

#### 87. MINUTES

The Minutes of the meeting held on 6 March 2019 were agreed as a correct record and signed by the Chair.

#### 88. DECLARATIONS OF INTEREST

Councillor Brock declared a personal, non-pecuniary interest in item 98 (181849/FUL - Car Park, East Street). Nature of interest: Councillor Brock lived near the application site.

#### 89. QUESTIONS

The following question was asked by Councillor Page:

- 1) Will the Chair update the Committee with the most recent consolidated figures in respect of:
  - a) the 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?
  - b) 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.
- 2) Would he summarise the impact of all these changes and the losses to RBC in affordable housing, education and transport and other essential contributions?
- 3) Would he 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?

## PLANNING APPLICATIONS COMMITTEE MEETING MINUTES - 3 APRIL 2019

4) Lastly, would he 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 Maskell):

### (1a) Conversions of offices to flats

#### Background

Before May 2013 planning permission was required to convert a building from an office to residential use. Since May 2013 developers have benefited from this change being “permitted development” by a process to seek “prior approval” from the Local Planning Authority.

This was to be a temporary right and due to expire in May 2016. However, the Government made this right permanent by amendments to the General Permitted Development Order as of April 2016.

The fee payed to the Local Planning Authority for processing these applications for prior approval was just £80 when first introduced. This was increased to £96 last spring 2018 when all planning fees increased.

#### Units approved

The total number of residential units that have been approved by this Prior Approval process, between its introduction in May 2013 and 31st March 2019, is 1,708. This excludes alternative prior approvals on the same site.

Up to 31st March 2018, 750 homes had been completed as a result of the new permitted development right. Conversions to provide a further 280 homes were also underway at that point.

### (1b) (i) Loss of fee income

Had each prior approval application applied for since October 2013 been submitted as planning applications, the fee income received up to 1st March 2019 would have been £1,008,341. This takes into account the charge of £80 (and recently £96).

### (ii) Loss in form of Affordable Housing & S106 contributions

#### Affordable Housing

Had the schemes that have received Prior Approval up to 31<sup>st</sup> March 2019 been submitted as planning applications, and subject to full affordable housing policy compliant Section 106 agreements, they would have been expected to lead to the following levels of affordable housing contributions:

- a) £2,863,000 towards off-site affordable housing
- b) 515 affordable housing units

## PLANNING APPLICATIONS COMMITTEE MEETING MINUTES - 3 APRIL 2019

However, it is accepted that in some cases the affordable housing offer might have been reduced following negotiation based on assessments of viability.

### Towards Transport, Education, Leisure and Open Space

Section 106 contributions towards Transport, Education and Leisure and Open Space have not often been sought since the introduction of the Community Infrastructure Levy (CIL) on 1<sup>st</sup> April 2015.

However, when office floorspace has not been in use in the 3 years before the Prior Approval application is made the development is not liable to pay CIL. This means that many office to residential conversion schemes approved since CIL was introduced have not been required to contribute towards these sort of facilities.

Had the schemes that received Prior Approval before April 2015 been submitted as planning applications, and been subject to full policy compliant Section 106 agreements, it is estimated that the following levels of contributions would have been achieved:

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

Transport contributions were rarely justified based on residential traffic generation being less than typical office traffic generation data.

### **2) Summary of losses**

To summarise, the total Section 106 contributions lost is £5,035,364, in addition to the 515 affordable housing units.

### **3) DCLG announcement on 28 November 2014 re Sites of up to 10 dwellings**

As Committee is aware, Reading Borough Council and West Berkshire Council challenged the Ministerial statement made on 28 November 2014 and DCLG's published alterations to National Planning Policy Guidance ("NPPG"). The intent of Statement and alterations was 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.

The case was heard in the High Court in April 2015 and the judgement found in favour of the challenge and quashed the amendments to the National Planning Practice Guidance. The Secretary of State then successfully appealed that decision in 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 judgement accepted 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, which seeks affordable housing for schemes of 10 or less dwellings, and produce the evidence required to justify this approach.

#### **4) Appeal record for defending Policy DM6**

Since the SEPT decision there have been 33 appeals against the Council for refusing planning permission or for not determining a planning application where Policy DM6 was critical. When responding to these appeals the Council has been able to provide a full case to explain why local housing need circumstances justify this adopted policy. In all but four (these being among the earliest decisions) the Inspectors have given weight to the Council's case.

Indeed, in the latest appeal decision received for 20 Chalgrove Way, while the Inspector allows the appeal there is strong support of the Council's case for affordable housing; I quote:

There is an inconsistency between SDPD Policy DM6 and paragraph 63 of the Framework. However, there is robust evidence to indicate that in the Borough that there is a demonstrated need for a contribution towards affordable housing to be provided in connection with schemes that are not major developments. The Council also makes reference to a number of appeal decisions in the Borough which support this approach including decisions made after the 2018 version of the Framework was published. Furthermore, the appellant has not indicated that the financial contribution would prevent this small site from coming forward for development. Therefore, on the basis of the evidence before me, I consider that this demonstrated local need for small sites to make contributions to affordable housing outweighs the material considerations in this case.

#### **Other news**

The Council's Submission Local Plan maintains this Council's commitment to seeking more affordable housing from sites for 10 or less dwellings in the form of Policy H3. The examination hearings into the Local Plan took place in the autumn of 2018 and this policy was discussed at the hearings.

I can advise Planning Applications Committee that the Council has now received the Local Plan Inspectors' post hearing advice note. We have been asked to provide further information to justify affordable housing related policies. Officers are confident that this justification and further evidence can be provided in time to still be on target to adopt a new Local Plan by the end of this year.

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

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, unless there were any additional applications which the Head of Planning, Development and Regulatory Services considered appropriate, no site visits be arranged.

## **91. 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 four 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 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**

There were no reports on appeal decisions.

**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.

## **92. APPLICATIONS FOR PRIOR APPROVAL**

The Director of Environment and Neighbourhood Services submitted a report giving details in Table 1 of seven pending prior approval applications, and in Table 2 of five applications for prior approval decided between 20 February and 22 March 2019.

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

## **93. OBJECTION TO A TREE PRESERVATION ORDER AT READING INTERNATIONAL BUSINESS PARK, A33, READING**

The Director of Environment and Neighbourhood Services submitted a report on an objection to Tree Preservation Order (TPO) 12/18 relating to 'Land south-west of the A33 and A33/Imperial Way Junction' (Reading International Business Park). A copy of the TPO plan was attached to the report at Appendix 1.

The report explained that officers had been made aware of the intention to fell trees at the site through a TPO enquiry. Following a site visit, it had been determined that a

number of individual trees and the 'woodland' strip facing the A33 provided important amenity value on this main route in/out of Reading, and a Tree Preservation Order had been served on 31 October 2018.

An objection to the TPO had been made by Aspect Tree Consultancy on behalf of Arlington Business Park GP Ltd, details of which were set out in the report, along with officers' comments on the objection. A second objection letter had been received on 22 February 2019, and a third objection letter on 14 March 2019, from Barton Willmore, the planning consultant for Arlington Business Park GP Ltd. Both letters were summarised in the report with the response given by officers.

That report concluded that officers had responded fully to the multiple points raised and considered that it was reasonable to confirm the current TPO, in its existing form, for the reasons given in the responses.

**Resolved -** That the Tree Preservation Order be confirmed.

**94. 181991/REG3 - ISIS COURT, DEMONTFORT ROAD, READING**

Conversion of redundant bin store, common room, back-office and lobby area to create a two-bedroom apartment.

The Director of Environment and Neighbourhood Services submitted a report on the above application.

Comments were received and considered.

**Resolved -** That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, the carrying out of the development 181991/REG3 be authorised, subject to the conditions and informatives as recommended in the report.

**95. 180798/REG3 - LAND ADJACENT TO 94 GEORGE STREET**

Erection of a two-storey (and roofspace accommodation) building comprising 4 (2x1 & 2x2-bed) residential units (Class C3) with associated bin and cycle storage, landscaping and associated works.

The Director of Environment and Neighbourhood Services submitted a report on the above application.

Comments were received and considered.

**Resolved -**

- (1) That the Head of Planning, Development and Regulatory Services be authorised to grant planning permission, subject to the completion of a unilateral undertaking legal agreement by 30 April 2019 (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;

- (2) That, in the event of the requirements set out not being met, the Head of Planning, Development and Regulatory Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives recommended in Appendix 1 to the report.

**96. 182031/REG3 - LAND ADJOINING 5 IAN MIKARDO WAY**

Construction of new three-bed dwelling and associated parking and access.

The Director of Environment and Neighbourhood Services submitted a report on the above application.

Comments were received and considered.

**Resolved -**

- (1) That the Head of Planning, Development and Regulatory Services be authorised to grant planning permission, subject to the completion of a unilateral undertaking legal agreement by 12 April 2019 (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;
- (2) That, in the event of the requirements set out not being met, the Head of Planning, Development and Regulatory Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives recommended in the report.

**97. 190192/REG3 - 202 HARTLAND ROAD**

To form crossover and drop kerb to serve proposed off-street parking area (on Whitley Wood Road boundary).

The Director of Environment and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which set out a further response received to the public consultation, regarding pedestrian safety, along with officer comments.

Comments were received and considered.

Elaine Stacey, who had commented on the application, attended the meeting and addressed the Committee on this application.

**Resolved -**

- (1) That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, the Head of Planning, Development and Regulatory Services be authorised to grant planning permission for application 190192/REG3, subject to further discussion with the applicant and consultation with Ward Councillors to resolve the issues raised at the meeting relating to access to the property;
- (2) That planning permission be subject to the conditions and informatives recommended in the report.

**98. 181849/FUL - CAR PARK, EAST STREET**

Erection of a part 4 part 5 storey building (plus basement) to provide 135 units of purpose built student accommodation and associated facilities (Sui Generis), landscaping and access.

The Director of Environment and Neighbourhood Services submitted a report on the above application. Attached to the report at Appendix A was a Daylight & Sunlight Overshadowing Impacts Report, and attached at Appendix B was the report submitted to the meeting held on 6 March 2019, when the application had been deferred.

Comments and objections were received and considered.

**Resolved -**

- (1) That the Head of Planning, Development and Regulatory Services be authorised to grant planning permission, subject to the completion of a Section 106 legal agreement by 17 April 2019 (unless a later date be agreed by the Head of Planning, Development and Regulatory Services), to secure the Heads of Terms set out in Appendix B to the report;
- (2) That, in the event of the requirements set out not being met, the Head of Planning, Development and Regulatory Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives recommended in Appendix B to the report.

(Councillor Brock declared a personal, non-pecuniary interest in this item. Nature of interest: Councillor Brock lived near the application site.)

**99. 190240/REG3 - MAPLEDURHAM PLAYING FIELDS, UPPER WOODCOTE ROAD, CAVERSHAM**



## PLANNING APPLICATIONS COMMITTEE MEETING MINUTES - 3 APRIL 2019

Landscaping works to the playing fields including a new tree lined and lit central avenue from Chazey Road, proposed perimeter footpaths with associated seating and trim trail equipment to the western part of the playing fields and re-profiling and drainage improvements to the grass sports pitches to the eastern part of the playing fields.

The Director of Environment and Neighbourhood Services submitted a report on the above application. An update report was tabled at the meeting which set out information on Sport England's response to the consultation, including that Sport England had withdrawn their objection and the recommendation to grant planning permission was therefore no longer subject to notification of the application of the application to the Secretary of State. The report also summarised new points raised in further objections that had been received, with officer comments. The update report recommended an additional condition requested by Sport England regarding the re-profiled sports pitches.

Comments and objections were received and considered.

Objectors Robin Bentham and Gordon Watt, Ben Stanesby and Carolyn Jenkins representing the applicant, and Ward Councillor Isobel Ballsdon attended the meeting and addressed the Committee on this application.

**Resolved -** That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission for application 190240/REG3 be granted, subject to the conditions and informatives as recommended in the original report, with the additional condition as recommended in the update report.

### **100. 182152/FUL - 12 BOSTON AVENUE**

Change of use to 6 bedroom HMO, single storey rear extension and garage conversion.

The Director of Environment and Neighbourhood Services submitted a report on the above application.

It was reported at the meeting that two additional conditions were recommended to require vehicle parking and cycle storage in line with approved plans. It was also clarified that the recommendation was to grant planning permission and not to delegate to the Head of Planning, Development and Regulatory Services.

Ward Councillor Paul Gittings attended the meeting and addressed the Committee on this application.

**Resolved -**

That the application be deferred for more information on cycle storage, bin storage, parking layout and the recent application at the neighbouring property 14 Boston Avenue.

### **101. 190344/HOU - 37 BUCKINGHAM DRIVE, EMMER GREEN**

Proposed single storey rear extension.

The Director of Environment and Neighbourhood Services submitted a report on the above application.

**Resolved -**

- (1) That the Head of Planning, Development and Regulatory Services be authorised to grant planning permission for application 190344/HOU, subject to no objections being received by the close of the consultation period on 12 April 2019;
- (2) That planning permission be subject to the conditions and informatives recommended in the report.

**102. 180274/FUL & 180275/LBC - 17 ELDON SQUARE**

Demolition of existing garages and erection of 2 x two bedroom and 1 x one bedroom terraced houses with associated amenity space and vehicular access to a parking area.

The Director of Environment and Neighbourhood Services submitted a report on the above application. Attached to the report at Appendix A was the report submitted to the meeting held on 6 March 2019, when the application had been deferred.

Comments and objections were received and considered.

**Resolved -**

- (1) That the Head of Planning, Development and Regulatory Services be authorised to grant planning permission for application 180274/FUL, subject to the completion of a Section 106 legal agreement by 17 April 2019 (unless a later date be agreed by the Head of Planning, Development and Regulatory Services), to secure the Heads of Terms set out in Appendix A;
- (2) That, in the event of the requirements set out not being met, the Head of Planning, Development and Regulatory Services be authorised to refuse permission;
- (3) That planning permission be subject to the conditions and informatives recommended in Appendix A, with the additional condition set out in the report;
- (4) That the Construction Method Statement be agreed in consultation with Ward Councillors;
- (5) That listed building consent for application 180275/LBC be granted subject to the conditions and informatives as recommended in Appendix A.

**103. 181469/LBC - SOUTHCOTE LODGE, BURGHFIELD ROAD**

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

(The meeting started at Time Not Specified and closed at Time Not Specified)