

Present: Councillor Livingston (Chair);

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

Apologies: Councillors Gavin, Hacker and Singh.

RESOLVED ITEMS

72. MINUTES

The Minutes of the meeting held on 8 March 2017 were agreed as a correct record and signed by the Chair.

73. QUESTIONS

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

1) Community Infrastructure Levy

- a) What arrangements has the Council made for local and public consultation on allocation of the neighbourhood portion of the Community Infrastructure Levy on new developments?
- b) How much Community Infrastructure Levy has been collected since April 2014 for developments in Abbey Ward, Park Ward, and Redlands Ward? For what development schemes has this money been collected, and on what projects has the levy been spent? Please provide a scheme-by-scheme breakdown.

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

Policy Committee, at its meeting on 13th February 2017 considered a "Community Infrastructure Levy (CIL) - Draft Spend Protocol." This was Appendix 8 to a report on the Budget 2017-20. This report referred to Regulation 59F of the CIL Regulations 2010 (as amended)) which requires that at least 15% of CIL monies should be spent in the 'relevant local area' in which development is occurring. It is assumed that reference to the neighbourhood proportion in the question equates to this provision.

The report proposes in relation to this 15% relevant local area spend that:

- Council officers will use the information available to put forward projects; these could be from proposals that have been identified via committees, on work programmes, through surveys or elsewhere. Such proposals may include improvements to Parks and Open Spaces or highway schemes, for example;
- Initial proposals will be discussed with Lead Councillors;
- Public consultation on the possible alternative spending priorities under the local community 15% spend will take place in the summer / autumn of each

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year seeking to agree the funds received up to the end of September of the previous year.

- The final allocation of funds will be made by the Policy Committee. This could be on an annual or biannual basis or as and when depending on the priority of the scheme.

Policy Committee resolved, *"That the Community Infrastructure Levy (CIL) protocol as set out in Appendix 8 be approved, but that it be submitted for further detailed consideration to a meeting of the Strategic Environment, Planning and Transport Committee or Policy Committee."*

It is intended that the formal arrangements will be refined in more detail and reported back to the Council's Policy Committee during summer 2017, with a view to a public consultation on the 'relevant local area' proportion being undertaken during Autumn 2017.

The Council introduced the Community Infrastructure Levy in April 2015. In view of the time lags involved between granting planning permission and the commencement of development, very little money was collected during 2015/16. It was resolved that any money collected in 2015/16 be rolled forward with monies received in 2016/17. The spending of the receipts will also be decided by Policy Committee at its meeting in June 2017, subject to public consultation on the 'relevant local area' proportion being undertaken during autumn 2017.

The following amounts have been collected in Abbey, Park and Redlands Wards between 1 April 2015 (start date of CIL) and 27 March 2017:

Abbey	£753,142.67
Park	£0
Redlands	£344,148.00
TOTAL	£1,097,290.67

The monies have been received from the following development schemes:

Abbey Ward -

Kings Point, 120 Kings Road - £276,192.00 (Permission No.150019)
Former Yell House, Queens Walk, Oxford Road - £363,696.00 (150752)
Garrard House, 30 Garrard Street - £113,254.68 (160328)

Park Ward -

No monies received

Redlands Ward -

University Of Reading, London Road - £344,148.00 (150730).

2) Affordable Housing

Please can you:

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- a) tell me the cost to Reading Borough Council in officer time, legal fees, and other costs of the Council's failed legal challenge to national planning practice guidance exempting small development sites from the need to have affordable housing included on them, and
- b) what steps have been taken to ensure that planning officers comply with national guidelines when dealing with applications for development.

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

On 28th November 2014, Brandon Lewis MP, in a Written Ministerial Statement (WMS) to Parliament, announced various changes to the government's planning policies that sought to prevent the seeking of affordable housing on sites of 10 or less dwellings. These changes had significant implications for local authorities such as Reading Borough Council which had adopted planning policies seeking the provision of affordable housing on such sites.

Councillors will be aware that Reading Borough Council along with West Berkshire Council successfully challenged the Written Ministerial Statement in the High Court in 2015. The judgement was overturned in 2016 by the Court of Appeal. Nevertheless, the Court of Appeal highlighted the fact that the Written Ministerial Statement can be outweighed in decisions on a planning application by a local plan policy, where it can be shown that there are exceptional circumstances.

As a result, the Council's Strategic Environment Planning and Transport Committee resolved at its meeting in July 2016 to continue to apply policy DM6 of the Council's Sites and Detailed to sites of 10 or less dwellings.

The Council has since been successful in defending its policy in 7 appeals to date albeit there have been appeals where inspectors have dismissed appeals and not supported the Council's case. In these cases the Council has complained to the Planning Inspectorate. The reply from the Planning Inspectorate is awaited, but as noted at the last meeting, they have already apologised to Richmond Council on a similar complaint for inspectors not taking full account of relevant matters. The Council is therefore continuing to make strenuous efforts to maintain its policy position on seeking affordable housing to meet the significant, growing and very real need for affordable housing in the Borough.

The Council's legal challenge involved the time of a planning officer and the Council's planning solicitor in managing the challenge in conjunction with West Berkshire Council, preparing a detailed witness statement and attendance at the Courts. This would have involved 15 -20 days' work at cost of around £7,000. Legal Fees for Barristers to present the case at both courts amounted to a total of £36,000. Costs of £5,000 were also awarded against each Council by the Court of Appeal. The total cost to Reading Borough Council, including officer time, was therefore in the region of £49,000.

While the legal challenge involved costs for the Council, this has to be set against the fact that the Council has been successful in continuing to negotiate affordable housing provision as part of planning permissions granted on small sites and, as indicated above, on appeal, since the Ministerial Statement was issued in November 2014. In challenging the Written Ministerial Statement, the Council also

avoided granting planning permission for applications that did not provide contributions towards infrastructure provision. The Council has operated the Community Infrastructure Levy for all applications determined since April 2015 which means that the provisions in the Statement to exclude developments of 10 dwellings or less from Section 106 infrastructure payments has no effect in the Borough.

During 2015/16 and 16/17, the Council has collected £170,000 in contributions towards affordable housing from such sites. It also currently has agreements in place on such sites that commit to payments of over £1.44m in affordable housing contributions and to the provision of a small number of units on site.

In addition, no planning application involving the provision of 10 or less dwellings has been approved to which the Community Infrastructure Levy will not apply. If the challenge had not been made, the Council would have had to approve planning applications before the introduction of the Community Infrastructure Levy in April 2015 that could not have been required to make any contributions towards infrastructure provision via a Section 106 agreement. As a result the Council may have lost several hundred thousand pounds in infrastructure contributions. The legal challenge by the Council has therefore had substantial benefits in the form of very substantial financial contributions towards the provision of affordable housing and infrastructure within the Borough that would not have occurred if no challenge had been undertaken.

The Planning Applications Committee and council officers have regard to national guidance on this matter as a material consideration in their determination of relevant planning applications. As indicated above, the Council reviewed its existing policy in the light of the Court of Appeal decision and resolved to continue to implement its policy on the basis that it could demonstrate that local circumstances justify giving that policy greater weight than the national guidelines set out in the Written Ministerial Statement. The Council's success on appeal demonstrates that this remains the correct approach in Reading.

74. 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 the under-mentioned application, together with any additional applications which the Head of Planning, Development and Regulatory Service might consider appropriate, be the subject of an accompanied site visit:

162344 - 9 ELDON SQUARE

Demolition of existing range of four garages, car port and associated Structures. Erection of one detached 2 bed single storey dwelling, including revised access and accommodation works.

75. 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 five 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

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

150151 - 79 HENLEY ROAD, CAVERSHAM

Erection of two detached dwellings with associated hard surfacing and landscaping.

Written representations.

Appeal dismissed.

160482 - LAND TO REAR OF 72 AND 74 TILEHURST ROAD BETWEEN 10 AND 20 GLOUCESTER COURT

Two new build dwellings and associated parking.

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 reports on the appeal decisions set out in Appendix 3 be noted.

76. APPLICATIONS FOR PRIOR APPROVAL

The Director of Environment and Neighbourhood Services submitted a report giving details in Table 1 of ten pending prior approval applications, and in Table 2 of ten applications for prior approval decided between 22 February and 23 March 2017.

Resolved - That the report be noted.

77. STREET NAME ASSIGNMENTS - GREEN PARK VILLAGE & WORTON GRANGE

The Director of Environment and Neighbourhood Services submitted a report for the Committee to select four further street names for the Green Park Village development on the north-western edge of Green Park, and eight street names for a development at Worton Grange. Plans of the developments were attached to the report at Appendices 1 and 2 respectively.

The report stated that the Green Park Village development involved the construction of properties and roads over a phased period. A New England theme had been decided on to match the style of the buildings and ten street names had already been assigned to the development (Minute 13 of the meeting held on 29 June 2016 refers). The developers had changed the road layout and four further road names needed to be reserved for the development. The report listed eight suggested names that had been consulted on with Ward Councillors.

The report proposed that the Committee agree eight proposed street names for the Worton Grange development. A Farm Machinery theme had been chosen because the development had been named after Worton Farm, which had been located on the site prior to its development. The report listed the eight suggested names that had been consulted on with Ward Councillors.

The report stated that, if none of the proposed names were considered suitable, the Committee should select alternatives from the Approved Street Names List which was attached to the report at Appendix 3.

Resolved -

- (1) That the following four street names be approved for use in the Green Park Village development: Candlewood, Fairhaven, Lanesborough and Williamstown;
- (2) That the following eight street names be approved for use in the Worton Grange development: Perkins, Proctor, Ransome, Ruston, Saunderson, Sentinel, Thompson, Tidman.

78. FIXING OUR BROKEN HOUSING MARKET - HOUSING WHITE PAPER FEBRUARY 2017

The Director of Environment and Neighbourhood Services submitted a report on the Housing White Paper entitled 'Fixing Our Broken Housing Market', which had been published by the Department for Communities and Local Government (DCLG) in February 2017.

The content of the Executive Summary List of Proposals from the White Paper was set out in Appendix 1 to the report. The main points of the White Paper as they related to the Council's Planning function were summarised in Appendix 2 and further details of the questions in the White Paper consultation were set out in Appendix 3.

The White Paper explained how the government would “provide radical, lasting reform that will get more homes built right now and for many years to come.” It set out the support the Government would provide to enhance the capacity of local authorities and industry to build these new homes.

The report explained that, at the same time as the White Paper, the DCLG had published several other documents, including the government responses to the technical consultation on the implementation of planning changes, the starter homes consultation and proposed changes to National Planning Policy Framework, along with a new consultation on Planning and Affordable Housing for Build to Rent. There was also a report of a review of the Community Infrastructure Levy which suggested that the government was considering changing the way the development contributed towards the provision of local infrastructure.

The report briefly summarised the contents of the White Paper and gave details of the way the Council was already working to fulfil many of the White Paper’s measures. Section 4 of the report considered some of the possible implications for the planning system as it currently operated and specifically for Reading Borough Council. The report stated that the government intended to consult on elements of the White Paper and on sister documents that had been published at the same time, such as a consultation document on Build to Rent proposals, with a closing date for consultation responses of 2 May 2017. It was intended that the Council would submit a response to the consultation to cover both the questions posed and the wider implications of the paper, and the report sought approval for officers to prepare a response on the basis of the matters covered in Section 4 of the report, with the response to be agreed in consultation with the Lead Councillor for Strategic Environment, Planning and Transport.

The report had also been considered by the Strategic Environment, Planning & Transport Committee on 4 April 2017 (Minute 29 refers) and another report on the White Paper, which had concentrated on the implications for the Council’s Housing responsibilities, had been presented to the Housing, Neighbourhoods & Leisure Committee on 15 March 2017 (Minute 32 refers).

Resolved -

- (1) That the contents of the White Paper published by DCLG in February 2017 and the proposed changes to the planning system be noted;
- (2) That the general thrust of the Council’s draft recommended response to the consultation and other proposals, as set out in Section 4 of the report, be approved and the Head of Planning, Development and Regulatory Services be authorised to prepare a final response, in consultation with the Lead Councillor for Environment, Strategic Planning and Transport;
- (3) That a copy of the final response be circulated to members of the Committee following submission.

79. 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:

170095/REM - GREEN PARK VILLAGE, LONGWATER AVENUE

Application for approval of reserved matters of Phase 3B 1 following outline approval 102172 for 23 dwellings (10/01461/OUT).

An update report was tabled at the meeting which gave additional information in relation to landscaping and ecology.

Granted as recommended.

Conditional planning permission and informatives as recommended.

Comments received and considered.

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

161336/FUL - 36 RUSSELL STREET

Amended Description: Proposed conversion of loft space to create a new unit with 3 dormers in the rear roof elevation.

Refused for the following reasons:

- 1) The proposed development, by reason of the scale, appearance and siting of the three dormer windows, would be detrimental to the integrity and setting of the listed building and would fail to preserve or enhance the character and appearance of the conservation area. This would be contrary to Policies CS7 (Design and the Public Realm) and CS33 (Protection and Enhancement of the Historic Environment) of the Reading Borough Council LDF Core Strategy 2008 (altered 2015) and the National Planning Policy Framework 2012.
- 2) The proposal to convert the roof space to a self-contained residential unit would fail to provide sufficient headroom for future occupiers and therefore would fail to provide an acceptable standard of residential accommodation. This would be contrary to Policy DM8 (Residential Conversions) of the Sites and Detailed Policies Document 2008 (altered 2015), adopted Residential Conversions SPD and the National Planning Policy Framework 2012.

Comments and objections received and considered.

Objectors Richard Bennett and Karen Rowland attended the meeting and addressed the Committee on this application.

161337/LBC - 36 RUSSELL STREET

Amended Description: Proposed conversion of loft space to create a new unit with 3 dormers in the rear roof elevation.

Refused for the following reason:

- 1) The proposed development, by reason of the scale, appearance and siting of the three dormer windows, would be detrimental to the integrity and setting of the listed building and would fail to preserve or enhance the character and appearance of the conservation area. This would be contrary to Policies CS7 (Design and the Public Realm) and CS33 (Protection and Enhancement of the Historic Environment) of the Reading Borough Council LDF Core Strategy 2008 (altered 2015) and the National Planning Policy Framework 2012.

Comments and objections received and considered.

Objectors Richard Bennett and Karen Rowland attended the meeting and addressed the Committee on this application.

- (3) That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, the **carrying out of the following development be authorised**, subject to the conditions now specified:

170199/REG3 - 11 HOME FARM CLOSE

Front extension and alterations to mid-terrace house.

Granted as recommended.

Conditional planning permission and informatives as recommended.

Comments received and considered.

(The meeting started at 6.34 pm and closed at 7.30 pm).