

**69. APPLICATION NO.223592 - LAND TO REAR OF 6 JOHNSON DRIVE,  
FINCHAMPSTEAD**

**Proposal:** Full application for the erection of 5no. dwellings with double garages following removal/demolition of the existing outbuildings.

**Applicant:** Mr Patrick Bancroft

The Committee considered a report about this application, set out in agenda pages 39 to 114.

The Committee were advised that updates contained within the Supplementary Planning Agenda included:

- Clarification that moderate weight was applied to the Finchampstead Neighbourhood Plan, which was now at the examination stage;
- Clarification that the application was still acceptable when applying the tilted balance irrespective of tempering due to housing over delivery;
- Clarification that 13 resident submissions had now been received;
- Officer responses to issues raised by resident submissions;
- An amendment to condition 4;
- An amendment to condition 18;
- Additional condition 27 in relation to archaeological work.

Roger Marshallsay, Finchampstead Parish Council, spoke in objection to the application. Roger stated that the Parish Council objected to this application, and were supportive of comments and concerns raised by Councillor Charles Margetts. Roger stated that the main concerns he would raise were that the application was not in accordance with the Finchampstead Neighbourhood Plan and was not situated in a sustainable location. Roger stated that the Supplementary Planning Agenda made comment that moderate weight should now apply to the Finchampstead Neighbourhood Plan. Roger stated that policy ADH1 in the Finchampstead Neighbourhood Plan set out criteria where development was allowed outside of the development limits, however none of the criteria were met by this application. Roger stated that an appeal relating to a previous application on the site for 25 houses resulted in the Planning Inspector commenting that they were not convinced that the site was set in a location which would encourage the use of sustainable transport methods to reduce the need for vehicular use. Roger stated that the application was contrary to policies CP1 and CP6, and asked that the application be refused.

Patrick Bancroft, applicant, spoke in support of the application. Patrick stated that the developer had been building houses in the area for 30 years, and had worked closely with officers to make sure that the application was policy compliant. Patrick noted that the officer report was satisfied that the scheme was policy compliant, and stated that a 10m landscape and wildlife buffer would be in place around the outside of the site to ensure that all trees and wildlife were protected. Patrick stated that the application met parking standards, and had sufficient turning space for emergency and refuse vehicles. Patrick added that the properties would be spread out and would therefore not present issues of overlooking. Patrick commented that the site already had existing lawful brownfield use permissions, which would be permanently

removed should this application be approved. Patrick stated that the site could only be glimpsed at from outside of the development, whilst the application would contribute to housing numbers as the Council could not currently demonstrate a five-year housing land supply. Patrick stated that there were no planning grounds to refuse the application, and asked that the Committee approve the application.

Charles Margetts, Ward Member, spoke in support of the application. Charles stated that the application was outside of the settlement boundary, and a previous Planning Inspector stated that the site was unsustainable. Charles felt that the contribution of 5 houses to the five-year housing land supply was not significant. Charles outlined the process for this application from his perspective, with enforcement ending in October 2022 as a verbal agreement had been reached for a planning application, whilst a senior planning officer in November 2022 had informed him that an application was imminent and would be difficult to defend due to a lack of a draft Local Plan. Charles stated that he was advised by officers that 51 residents had been written to as part of the consultation, and of the 18 he had spoken to not one had received a letter. Officers had agreed to extend the consultation until 9 January, however this still left 33 local people who may not be aware that this application was being considered. Charles stated that he had asked that this application be delayed and considered at the February Committee and was refused. Charles asked the Committee to defer the application to allow time for residents to be able to negotiate and discuss planning conditions with officers to come to a place where they might be able to accept such a scheme. Charles stated that residents did not agree with the behaviour of the applicant whilst also having concerns with the process being followed by the Council with regards to this application. With great reluctance, residents did not oppose this application as they were realistic about the lack of a Local Plan Update and the lack of a five-year housing land supply. Charles stated that residents had submitted a list of planning conditions to officers on Monday, on which officers had engaged positively, however due to the application being considered only two days later there was not enough time to thoroughly work these through. Charles stated that residents expected all conditions to be strictly adhered to and enforced, especially due to the history of the site.

David Cornish clarified that he did not know the applicant. David stated that the report made clear that the only difference between this application and the previously refused application was the reduction in houses and the lack of a five-year housing land supply. David stated that the NPPF section 2 paragraph 14 stated that there was a tilt back against the tilted balance due to the moderate weight of the Finchampstead Neighbourhood Plan, and asked officers to investigate this fully. David sought the opinions of other members with regards to the request by Charles Margetts' for a deferral.

Rebecca Margetts stated that this was development in the countryside, and raised concerns about residents not being notified. Rebecca sought clarity that residents had been notified. Simon Taylor, case officer (Consultant), stated that he had checked and confirmed that 51 residents had been notified. The statement of community involvement required adjoining landowners to be notified, which would include properties in Tomlinson Drive and the applicant's own property. The notification for this site had been sent to 51 properties, primarily due to the history of the site and the community interest. 15 submissions had been received, and

residents were aware of the application and consultation had occurred in line with the statement of community involvement. Letters had left the Council, and whether they had been received was not a matter that the Council could comment on further. Simon added that the consultation deadline had been extended further, and the officer view was that the Council had gone further than the requirements set out by the statement of community involvement.

John Kaiser queried the significance of 5 houses being contributed to the five-year housing land supply. Simon Taylor stated that the tilted balance requirement of the NPPF was engaged regardless of the number of houses given the lack of a five-year housing land supply.

Wayne Smith sought clarity as to the reason why this application needed to be taken to the January Committee given concerns over consultation with residents and outstanding suggestions for conditions from residents. Simon Taylor stated that the application was required to be decided upon within the eight week time frame, otherwise the applicant would have the right to appeal on the grounds of non-determination. In addition, there was the convenience of bringing this application to Committee alongside the previous application, agenda item 68, whilst the outcome of this application could help resolve the high court challenge in relation to car and builders storage use.

Wayne Smith queried if the site was considered brownfield site. Simon Taylor stated that the majority of the site was considered greenfield, as only five to ten percent of the site contained existing structures.

Andrew Mickleburgh noted the reduction of homes and inclusion of a wildlife corridor compared to the previously refused application, whilst the sustainability of the site had not changed. Andrew queried to what extent the moderate weight placed on the Finchampstead Neighbourhood Plan might impact the application of tilted balance. Simon Taylor stated that whilst he had commented that the plan now attracted moderate weight at the examination stage, the planning policy team still indicated that the plan attracted limited weight at this stage.

Andrew Mickleburgh queried the potential risks of a deferral. Brian Conlon, Operational Lead – Development Management, stated that significant feedback had been received from residents following an extension to the consultation until 9 January 2023, which took into account an unprecedented postal period. Brian added that the Council had fulfilled their obligations in terms of consultation and engagement, and to defer the application could risk an appeal and would not result in material changes to the officer report. Brian confirmed that the 8-week determination period would conclude on 25 January 2023.

Rebecca Margetts commented that other applications had been deferred with similar risks of non-determination related appeals.

John Kaiser queried if the Council would offer a defence if an appeal was lodged on the grounds of non-determination. Brian Conlon confirmed that for any such appeal where the application was due for consideration by the Committee, a report would be

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Application Number 223592

taken to Planning Committee to understand if the Committee wished for officers to defend an appeal.

In response to queries regarding a possible deferral, Lyndsay Jennings, Senior Solicitor, provided the Committee with advice. Lyndsay stated that publicity and notification requirements had been satisfied with regards to this application, and there was a risk of an appeal being lodged on the grounds of non-determination should this application be deferred.

Al Neal proposed that the application be deferred, to allow time for additional consultation to be undertaken with residents. This was seconded by Rebecca Margetts.

**RESOLVED** That application number 223592 be deferred, to allow time for additional consultation to be undertaken with residents.