



Submission by Cllr Dr Tony Vickers – on behalf of Greenham Parish Council and Newbury Town Council in respect of Planning Conditions & Unilateral Undertaking

Sandleford Park, Newtown Road, Newtown, Newbury

Outline planning permission for up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1-A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works. Matters to be considered: Access.

Planning Application Reference: 20/01238/OUTMAJ

Planning Inspectorate Reference: APP/W0340/W/20/3265460

Evidence in relation to the Inquiry session on Thursday 27th May 2021 on Planning Conditions: Community Facilities & Public Open Spaces

By Cllr Dr Tony Vickers

1. This evidence is submitted now and could not be submitted sooner because:
 - a. The draft combined revised Planning Conditions of the Appellant and Council (ID43¹) was not received by Rule 6 Parties until 14th May, to be cross-referenced to the Appellant's draft Unilateral Undertaking (UU) submitted 21st April (CD7.1) – both dates being after the submission of my Proof of Evidence / Rebuttal Proof;²
 - b. The two councils have no provision in their rules to delegate to individual councillors and (until it became clear on 5th May that local authorities would not be able to hold decision making meetings from 7th May until after 21st June) it was hoped that NTC and/or GPC could formally ratify the position being taken by their representatives at the Inquiry;
 - c. My Proof of Evidence (appendix 6 -in CD12.4) suggested Planning Conditions (my nos. 10, 11 & 13) which relate to the afore-mentioned draft Planning Conditions of the main parties but which (as of 14th May) appear not to have been considered.
2. There is now, in the draft minutes of the meeting of Newbury Town Council Planning & Highways Working Group (WG), a formal Answer from its Chairman to my Question about management of communal / public facilities in new developments. Q&A were recorded as follows:

Question received from Cllr Dr Tony Vickers:

“The Sandleford Park Partnership, owners of the whole of that part of Sandleford that is the subject of the current Planning Inquiry, are proposing to hand over the entire country park, all public open space and the 'local centre' for their development of 1000 homes (1350 including the other owner's portion not currently part of the Inquiry) to a management company of their choice. This would result in the town council and Greenham Parish Council - where most of the land actually sits - losing all control over what happens to it. It would also mean home buyers and residents having to pay annual charges to the company on top of their parish precept in Council Tax bills. What should

¹ ID43 is v8. My annotations were made to v7

² The version (10) dated 24th May of the Council's draft Planning Conditions has now also been reviewed by me. However it does not yet appear in the Inquiry Documents Library.

your representatives at the Inquiry try to do to change this, assuming you agree that it is an outrageous proposal?”

Response from the Chairperson:

“Thank you for bringing this to our attention. The Sandleford inquiry is something we are paying close attention to and we wish you and fellow Councillor Roger Hunneman all the best.

If planning permission is granted, the proposed condition would require the future residents of Sandleford- (say 1,500 households) to pay for the maintenance of a public space over which they have no ownership or control and which should normally be covered by council tax, or if taken in charge by a parish council, by precept. Equity is one of the principles of a fair taxation system- that the people who can benefit from a facility/service should be the people who pay for the same. The proposed management company is therefore inequitable and longer term, probably unsustainable.

However, there are various procedures to be cleared before we could get to the stage of either NTC and/or GPC taking this on. The WG therefore asks our representatives to advise the inspectorate that we feel that the public should be responsible for public open space, rather than the residents of Sandleford. Therefore, the condition of permission, if granted, should require that the developers provide the various public parks and facilities, to a satisfactory standard, to be adopted by the planning authority who may then discuss devolution proposals with NTC/GPC. The inspectorate and the Planning Authority can be advised that both parish councils would consider such an arrangement in the future.”

3. I have relevant experience of the problems that can arise when the public open space and communal facilities in a housing development, which happens to be in Newbury, are managed by agents of an absentee owner.
4. The draft Conditions³ that will be referred to in this submission are:-
 - a. 17. Submission of details of Local Centre
 - b. 20. Sustainable Drainage Systems (esp. ‘j’ & ‘k’)
 - c. 61-63. Use Class Restrictions in Local Centre

Policy Considerations.

5. **NPPF** (CD8.1) 91a, 92a are especially relevant to the provision of community facilities.

³ Using number is v10 of the draft Planning Conditions

- a. 91a refers to the need to “promote social interaction ... for example, through strong neighbourhood centres”;
 - b. 92a refers to providing “the social, recreational and cultural facilities the community needs” and planning “positively ... to enhance the sustainability of communities ...”.
6. **Sandleford SPD** (CD8.14) Section F policies P (page 45) and F (page 55) relate to Public Open Space & Recreation (P) and Community Facilities & Services (F) respectively.
7. P3 states that public open spaces must be “accessible to all members of the community”, serving the “needs of the whole community” and “encouraging local people to feel proud and create a sense of ownership of the space encouraging self management”. This seems to refer to existing residents of Wash Common (Newbury and Greenham) as well as new residents of the Appeal site.
8. It therefore does not seem appropriate to create a situation where residents of the appeal site pay an annual charge to a management company for use of these “public spaces” which is in addition to their local precept (council tax) and which other local residents of the wider community do not pay. [See 3.1 of the draft UU, which is objectionable to NTC.]
9. “Encouraging self management” also does not seem to fit with “marketing” the local centre, as mentioned by Mr Jones in his comments on the submitted draft Conditions (version of 14th May). If the same “Manco” (management company?) is going to manage the public open spaces and the local centre on a commercial basis, it is unlikely that their business model will “encourage self management”.
10. Marketing of a local centre appears to have little to do with planning policy. There is a well established local council that manages all public open spaces and community facilities in Newbury for the benefit of the whole community, which is paid for through council tax paid by all residents of Newbury. Where appropriate, the local councils appoint commercial partners to manage these facilities (as proposed with the cafe in Victoria Park) but where possible it encourages self management (not for profit), as with the existing Greenham Control Tower museum / cafe.
11. Similarly, policy F1 on the SPD states that “Sandleford Park will provide a range of facilities which are accessible to both existing and future residents in the area”., including “a space for indoor community use”,

“library provision”, “small scale retail” with “at least one local shop/convenience store”. Taken together, this amounts to a potential Asset of Community Value (ACV) as defined by the Localism Act 2011. As such, if ACV status were approved by the District Council no marketing of the land for a local centre could take place without giving the local council[s] 6 months to prepare a bid.

12. The final sentence in policy F1 states “Commercial and community buildings should be designed to allow for adaptation to a range of uses including retail, food and drink, professional services, employment and community uses.” This seems to suggest that the developer should provide the buildings and not merely the land for a local centre.
13. It also accords with the new Use Classes Order of 2020, which explicitly removes the distinctions between retail, commercial and community uses by introducing new Class F2, which seems appropriate here. Therefore the local councils wish to see some flexibility retained in the event of the Appeal being upheld, with any Planning Conditions relating to the local centre allowing for the councils to consider fully whether – and, if so, how – to design and manage these facilities.
14. As regards the Sustainable Drainage Systems (SUDS), we are concerned that the management of SUDS within the public open space as well as the country park needs to be managed coherently and locally. At a recent briefing of NTC P&H Committee, it was said that significant concerns remain about the division of responsibility for maintenance of SUDS between developers and “local authority SUDS Advisory Boards” owing to provisions of the Flood and Water Management Act 2010 not yet having been implemented.
15. We therefore request that the management of all SUDS within the Appeal site be consolidated into a single contract and Management Plan, preferably under the overall control of the District Council as Lead Flood Authority. This may need to be reflected in Condition 20.

Conclusion.

16. I therefore submit to the Inquiry that Conditions 61 to 63 are not needed but that the Local Centre should be provided by the Developer to a specification approved by the LPA after discussions between the District Council and the two local councils (NTC & GPC), after a transfer to the District Council of the land needed for it. The Use Class for the Local Centre will be Class F2 (Use Classes Order 2020) unless agreed otherwise by the first Reserved Matters Application.

17. These discussions need to also include the relationship between the country park management, public open spaces management and the local centre management, so that the maximum self management by the wider community can be achieved without compromising the environmental sustainability and biodiversity of the development as a whole.
18. The above is entirely without prejudice to the continuing opposition of the Rule 6 Parties (GPC & NTC) to the development of Sandlesford Park as a whole. It is also subject to formal ratification by the two councils and by the Planning Authority in the event that the Secretary of State upholds the Appeal, notwithstanding whatever recommendation is made by the Inspector.
19. I respectfully request that the Inspector takes note of these views.