

**Note: These Minutes have been amended. Please see Minutes of 30 October 2019 for amendments.**

## **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 18 SEPTEMBER 2019**

**Councillors Present:** Peter Argyle, Royce Longton, Ross Mackinnon (Substitute) (In place of Alan Law), Alan Macro, Geoff Mayes, Graham Pask, Joanne Stewart and Andrew Williamson

**Also Present:** Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Michael Butler (Principal Planning Officer), Gareth Dowding (Senior Engineer), Bob Dray (Senior Planning Officer), Bryan Lyttle (Planning & Transport Policy Manager) and Lydia Mather (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Jeremy Cottam and Councillor Alan Law

*(Councillor Royce Longton in the Chair)*

## **PART I**

### **20. Minutes**

The Minutes of the meeting held on 28 August 2019 were approved as a true and correct record and signed by the Chairman.

### **21. Declarations of Interest**

Councillors Graham Pask, Joanne Stewart, Ross Mackinnon and Peter Argyle declared an interest in Agenda Item 4 (1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Geoff Mayes declared an interest in Agenda Item 4 (2), and reported that, as his interest was a disclosable pecuniary interest or an other registrable interest, he would be leaving the meeting during the course of consideration of the matter.

### **22. Schedule of Planning Applications**

#### **(1) Application No. & Parish: 18/02485/OUTMAJ - Land North Of Dauntless Road and South Of Pondhouse Farm, Clayhill Road, Burghfield Common**

*(Councillors Graham Pask and Peter Argyle declared a personal interest in Agenda Item 4(1) by virtue of the fact that the Member of Parliament (MP) Richard Benyon was a director of Englefield Estate and both Councillor Pask and Argyle lived within his constituency. As their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Joanne Stewart declared a personal interest in Agenda Item 4(1) by virtue of the fact that she was a member of Holybrook Parish Council's Festival Committee, which obtained services, such as marquee hire, from Englefield Estate. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

*(Councillor Ross Mackinnon declared a personal interest in Agenda Item 4(1) by virtue of the fact that the wife and mother of Richard Benyon MP, Director at Englefield Estate, had signed his nomination forms when becoming a Councillor for West Berkshire Council.)*

As the Chairman had given his apologies for this meeting and Councillor Royce Longton (who was Ward Member for items 4(1) and (3)) felt it inappropriate, on this occasion, to chair items 4(1) and (3) it was necessary to appoint a Member to Chair both items. Councillor Andrew Williamson proposed Councillor Graham Pask and this was seconded by Councillor Peter Argyle and agreed by the Committee.

*(Councillor Graham Pask in the Chair)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/02485/OUTMAJ in respect of an outline application for residential development of up to 100 dwellings with new cycle pedestrian access onto Coltsfoot Way and two vehicular access points onto Clayhill Road. The matter to be considered was access.

Mr Michael Butler, Principal Planning Officer, introduced the report and highlighted the following points:

- The application was seeking planning permission for a residential development of up to 100 dwellings and the only matter for consideration was access. All other matters including appearance, landscaping, layout and scale were to be considered at a later stage under reserved matters applications.
- The Council had received in excess of 10 letters objecting to the application.
- Approval was recommended, subject to the completion of a Section 106 Agreement.
- The site lay within the settlement boundary, which was agreed in May 2018 as part of the Housing Sites Allocation Development Plan Document (HSA DPD).
- The applicant had agreed to accept a S106 planning obligation, which would secure 40% of the homes as affordable, which equated to 40 units. The applicant would also provide a sum of £22k towards the public open space and £4k towards the construction of the new off-site footpath link to Coltsfoot Close.
- Mr Butler ran through the consultation responses, which were summarised under section 4.3 of the report.
- It was confirmed that the applicant had carried out a range of in-depth studies including a Habitat Ecology Assessment.
- Regarding Policy HSA15, the Highways Officer and Case Officer (Mr Butler) had been involved in considerable negotiation with the applicant's agent about the creation of the new footpath and cycleway link between the application site and Coltsfoot Close. It was concluded by the Highways Officer and Case Officer that as matters of access were to be agreed, it was the appropriate time to consider this matter, which was also a requirement under Policy HSA15.
- Mr Butler confirmed that there would be no vehicle access through Coltsfoot Close if the application was approved.
- It was understood by Officers that there would be a degree of visual impact if the application was approved however, this was outweighed by the benefit of the additional housing that would be provided on the site.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- Regarding ecology, a number of objections had identified specific concerns regarding West Berkshire Council's intention to approve the application with the new footpath/cycleway link, which would pass through a small section of woodland from Pond House Copse, which had been identified as ancient woodland. Officers considered that that the minimal loss of the section of woodland was outweighed by the substantial future public benefits if the access was agreed.
- Two further objections had been received and were detailed in the update sheet. Mr Butler confirmed that 15 metres was the minimum buffer required and not 50 metres as stated by one of the objectors.
- The update sheet also detailed comments from the Woodland Trust, plus updates to conditions 7, 19, 20, 21, 22, 24 and 25.

In accordance with the Council's Constitution, Mr Paul Lawrence, Parish Council representative, Ms Alison May, objector, Mr Phil Brown, applicant/agent and Councillor Graham Bridgeman, Ward Member, addressed the Committee on this application.

### **Parish Council Representation:**

Mr Lawrence in addressing the Committee raised the following points:

- Burghfield Parish Council had objected to the original application due to its concerns about access to the site and had asked for a second vehicle access to be considered. This was now included within the current application however, the Parish Council still had concerns.
- The site could bring a further 220 vehicles to the area and there was concern about visibility when exiting the site.
- The Clayhill Road junction with Sulhampstead Road was particularly busy and the development would further impact on the road system.
- The Parish Council wanted to see further imagination applied to how the site could be accessed. Alternative access options that resolved concerns about further traffic congestion and avoided an existing pinch point in the road would be preferable.

### **Member Questions to the Parish Council:**

Councillor Andrew Williamson asked to see a map of the area and subsequently the areas that Mr Lawrence was particularly concerned about with regards to traffic. Mr Lawrence highlighted that to the left hand corner of the site there was a width restriction and the maximum speed limit reduced from 40mph to 30mph. He stated that this area was particularly busy in peak times and additional traffic would cause a real problem. This was also an area that parents used for walking children to and from school. Speeding vehicles was also a current problem. If the application was approved and caused an increase in traffic, then, in Mr Lawrence's view, traffic calming measures were required.

### **Objector Representations:**

Ms May in addressing the Committee raised the following points:

- Ms May referred to the ancient woodlands within the local landscape and confirmed that there had once been three areas of ancient woodland, which had been reduced to two.
- The copse and farm area had once been referred to as the 'great copse of Burghfield'.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- Pondhouse Farm dated back 400 years.
- An Ancient Woodland Sensitivity Survey had not been carried out.
- Ms May was aware that there were five protected wildlife species inhabiting the site. Dormice lived in area where the proposed access was to be located.
- West Berkshire Council did not employ their own Ecology Officer.
- Organisations including The Woodland Trust and Natural England were of the view that a buffer should be larger than 15 metres. This had been completely disregarded.
- Locally, Spitfire Homes had been refused permission to build 40 homes in the area however, the Pondhouse application was over double the size, with associated wildlife sensitivities.
- Ms May did not believe that SuDs should be located within the ancient woodland buffer zones.
- Members had a choice in Ms May's view. They could continue to be part of the problem that was destroying natural woodland or they could be part of the solution for future generations.
- Ms May referred to the declaration by Councillor Mackinnon that Richard Benyon's wife and mother had signed his nomination forms and stated that this was misleading.

### **Member Questions to the Objector:**

At this stage Councillor Ross Mackinnon attempted to ask Ms May a question however, Ms May disregarded his question and returned to the audience.

### **Agent's Representations:**

Mr Brown in addressing the Committee raised the following points:

- He was one of the Directors at Savills Planning Division. .
- The Planning Officer's report in his view, was well balanced and addressed all issues raised by the consultees.
- There were still concerns being raised regarding the ancient woodland and therefore Mr Brown stated that he would concentrate on this point.
- Some of the site fell onto an area of ancient woodland and some of this area would therefore be affected if the application was approved.
- Every care would be taken to minimise the impact on the ancient woodland including the implementation of a 15 metre buffer.
- The proposed SuDs feature would be provided within the buffer to the ancient woodland and Government guidance allowed for this.
- The proposal would not negatively impact upon the water table.
- A tree survey had been carried out and concluded that only shrubs would be affected rather than mature trees. Felling of trees would not be required to make way for the proposed footpath and cycleway link.
- Regarding Ms May's point about identified species on the site, an ecology report had been submitted and did not identify any species to be inhabiting the site.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- Regarding concerns about the access onto Clayhill Road, a Road Safety Audit had been carried out to ensure the proposed second access would be a safe option. It was predicted that there would be 47 extra traffic movements generated by the site [in peak hour] and it had been concluded by the Highway's Officer that there were no highway safety issues.
- If approved the application would benefit the area through the development of 100 homes, which complimented policies for affordable housing. The site would also bring social and economic benefits to the area.
- The proposed buffer would provide an extra area of copse in addition to Pondhouse Copse and Clayhill Copse.

### **Member Questions to the Agent:**

Councillor Alan Macro asked Mr Brown to confirm that no trees would need to be cut down when constructing the footpath/cycleway link. Mr Brown did not believe that any trees would be affected however, there were also measures in place to deal with any sensitive issues that might arise.

Councillor Geoff Mayes noted that the SuDs would be located within the buffer zone and queried how this would not affect ground water levels. Mr Brown confirmed that the water would be able to drain away at greenfield rate. The site was covered by a layer of clay and therefore the water would not infiltrate, but would flow off the site into a brook via the ancient woodland at no greater than greenfield run-off rates.

Councillor Mayes still felt unclear and further queried if the pond would be located in the forested area. Mr Brown confirmed that the pond Councillor Mayes was referring to would be located within the buffer.

Councillor Williamson referred to the expected level of traffic movements from the site and felt that the figure of 47 was low. He queried how this was calculated. Mr Brown stated that the same query had been raised at one of the public exhibitions on the plans for the site. He stated that people assumed that because there were 100 dwellings proposed there should be 100 traffic movements however, in recent times this was not the case, due to increased home working and shared school runs. A model was used to calculate the expected traffic movements from the site.

Councillor Royce Longton noted, in the two additional objections included with the update sheet, that Hazel Dormice has been identified in the site and queried if this was the case. Mr Brown confirmed that a detailed ecology survey had been carried out and no Hazel Dormice had been identified.

### **Ward Member Representation:**

Councillor Graham Bridgman in addressing the Committee raised the following points:

- He had not intended to speak on the application as Burghfied had not formed part of his ward prior to May 2019 however, he had received an email from a resident overlooking the proposed pathway and he raised the following points on their behalf:
  - There was little detail published in that area of the plan and the detail that existed was vague.
  - The notice in the resident's road still referred to vehicular access and a change of road name from "Close" to "Way" which was felt to be significant. It had been confirmed verbally that this was a mistake, but it was felt that it needed to be rectified in writing/with a new planning notice.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- There was fear that a vehicular access could be created retrospectively, particularly as the proposed path seemed rather wide for pedestrians and cycles only.
- The resident also objected to the woodland being carved up unnecessarily. It was felt that the area was an asset to the whole community as well as needing environmental protection and should be left for future generations.

### **Member Questions to Officers:**

The Chairman referred to the apparent change of road name and asked for comments from Officers. Mr Butler confirmed that reference was being made to the site notice address as Coltsfoot Way , and this was an error, but made no difference to the merits of the case. He confirmed that there would be no vehicular access through Coltsfoot Close .

Councillor Longton asked the Highways Officer, Mr Gareth Dowding, to respond to concerns raised by the Parish Council regarding access. Mr Dowding stated that Highway's Officers had looked at the number of vehicle movements expected. He stated that he would assume that 61 would be the maximum number of movements in peak hour , however, the agent had used a TRICS System and generated the figure of 47 traffic movements. Mr Dowding added that there were three direction options when turning out of Clayhill Road, so in the worst case scenario this could mean up to 20 traffic movements in each direction, which would have a minimal impact on the area.

Councillor Longton asked Mr Dowding if he was satisfied with the junction at Clayhill Road and Sulhampstead Road and Mr Dowding confirmed that he was satisfied with this junction. The sight lines were 43 metres in each direction. Overgrown vegetation was sometimes an issue at the location in question however, this was not a planning consideration.

Councillor Mayes asked Mr Dowding if he had any information on traffic flow and Mr Dowding stated that the information was available but he did not have it to hand. The site had formed part of the Housing Site Allocation process and therefore traffic had been assessed and was deemed to be acceptable.

Councillor Mayes asked if the £4k allocated for the footpath at Coltsfoot Close was an adequate amount and further queried how far the footpath would stretch. Mr Butler confirmed that the pathway would be 20 metres long by 2.5 metres wide. Mr Butler confirmed that the sum of £4k was adequate for the length of footpath identified as agreed with the Transport and Countryside Service. Councillor Mayes did not feel that the amount was enough.

Councillor Mackinnon noted that Ms May had highlighted two reports that had not been provided including a Landscape Sensitivity Report and Planning Ecology Report and queried if these should have been provided. Mr Butler confirmed that Policy GS1 of the DPD was clear that any application must provide a Phase One Ecology Survey and Officers were satisfied with what had been provided as part of the application. Mr Butler was not aware of the reference to a Landscape Sensitivity Report however, confirmed that the required Landscape Visual Impact Assessment had been carried out accordingly.

Bryan Lytle confirmed that the Policy HSA15 set out what should be included as part of a Landscape Visual Impact Assessment and the necessary information had been provided.

Councillor Williamson was concerned about vehicle movements. He noted that the level of traffic movements for the 100 dwellings would be 47 to 61. Councillor Williamson asked what the impact would be if all 61 vehicles travelled in the same direction. Mr Dowding stated that it would be very unusual for all vehicles to travel in the same direction when leaving a site however, if this did occur the route used would be busier

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

than expected. It was likely that a queue would form however, this would probably only happen once, when drivers realised there were other route options available.

Councillor Joanne Stewart noted that the application was for up to 100 homes and therefore highlighted that this figure could be fewer at the full application stage. This would impact upon the amount of traffic expected. Mr Butler concurred with this point and explained that any subsequent reserved matters application could be for [eg] 90 or 95 homes, due to the physical constraints of the site. If a reserved matters application was submitted with [eg] 102 homes then a whole new planning application would be required.

Councillor Stewart asked for clarification about the width of the buffer zone as a number of figures had been mentioned including 15, 30 and 50 metres. Mr Lyttle referred to Policy HSA15 which required a buffer zone of 15 metres to the ancient woodland consistent with government policy. The proposed buffer zone would extend further than required creating an improved wildlife corridor.

Councillor Williamson raised a further question about whether the SuDS basin should or indeed would be located in the buffer zone. Mr Butler confirmed that this flowed back to the answer that he had provided to Councillor Stewart in that if the application was approved there would be a subsequent reserved matters application. There was uncertainty as to whether the SuDS basin would be placed in the buffer zone. Layout was not a consideration at this stage.

### **Debate:**

Councillor Macro felt that for the benefit of the public it would be helpful for Officers to state acronyms in full. HSA DPD stood for Housing Site Allocations Development Plan Document and SuDs stood for Sustainable Urban Drainage System.

Councillor Macro stated that he had been very concerned about the footpath and cycle link that would encroach onto the ancient woodland however, he felt assured that the trees would not be affected. He therefore was minded to vote in favour of the application.

Councillor Royce Longton noted that the item had been discussed as part of the Council's Housing Allocations process. Councillor Longton stated that he had listened to the comments from Officers regarding concerns he had on highway matters and felt reassured. Councillor Longton therefore proposed that Members' support the Officer recommendation to grant planning permission. This was seconded by Councillor Macro.

Councillor Williamson was concerned about traffic projections for the site as he felt it would be higher than suggested. He however noted that there had been an impact assessment carried out by Highways Officers and the agent. Councillor Williamson voiced his concerns about the proposed buffer. For the reasons he had outlined, Councillor Williamson stated that he was reluctant to support the application.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Longton, seconded by Councillor Macro. At the vote the motion was carried.

**RESOLVED** that provided that a Section 106 Agreement has been completed within three months from the date of the committee resolution (or such longer period that may be authorised by the Head of Development and Planning, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee), to delegate to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

**OR**, if a Section 106 Agreement is not completed, to **REFUSE PLANNING PERMISSION** for the reasons listed below.

### **Conditions**

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

### **1. Reserved matters**

Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. Approval of reserved matters**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **3. Reserved matters time limit**

The development to which this permission relates shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the approved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **4. Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 6027B/01C, 12A, 03C, and 02C; drawing numbers 60555664.001 Rev A, and 002 Rev A (all received on the 24th June 2019); and drawing number 6027/B14 (received on the 5th September 2019).

Reason: For the avoidance of doubt and in the interests of proper planning.

### **5. Layout and design standards**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design shall be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of providing adoptable infrastructure, road safety and flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026), and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **6. Details of accesses**

No development shall take place until details of the two accesses into the site from Clayhill Road have been submitted to and approved in writing by the

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

Local Planning Authority. This shall include pedestrian routes with crossing points over Clayhill Road consisting of dropped kerbs and tactile paving. No dwelling served by the relevant access shall be first occupied until that access has been provided in accordance with the approved details.

Reason: In the interest of road safety to ensure safe and suitable access for all to the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because safe and suitable access must be provided early to avoid adverse impacts on highways safety.

### 7. Footpath/cycle link to Coltsfoot Close

No development shall take place until details of a 2.5 metre wide footway / cycleway to be constructed to the south-west from the application site into Coltsfoot Close have been submitted to and approved in writing by the Local Planning Authority. No more than 30 dwellings shall be first occupied until the footway/cycleway on land in the applicant's control has been provided in accordance with the approved details and any statutory undertaker's equipment or street furniture located in the position of the footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies GS1 and HSA15 of the Housing Site Allocations DPD (2006-2026). A pre-commencement condition is required because this access must be provided early to provide suitable pedestrian and cycle access to the site.

### 8. Archaeology

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because any development may have an impact on archaeological interests.

### 9. Sustainable drainage

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
  - d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
  - e) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
  - f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
  - g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
  - h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
  - i) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
  - j) Attenuation storage measures must have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level; and
  - k) Any design calculations should take into account an allowance of an additional 10% increase of paved areas over the lifetime of the development.

No dwelling shall be first occupied until the sustainable drainage measures shall be provided in accordance with the approved details. Thereafter the sustainable drainage measures shall be maintained and managed in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), the Sustainable Drainage Systems SPD (2018), and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because sustainable drainage measures are likely to require implementation early in the construction process.

### 10. Construction Environmental Management Plan

No development shall commence until a Construction Environmental Management Plan has been submitted to the Local Planning Authority. The development shall be carried out in accordance with the approved details. As a minimum the plan shall provide for:

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- a) Phasing of construction
- b) Temporary construction site access including visibility splays
- c) The parking of vehicles of site operatives and visitors
- d) Loading and unloading of plant and materials
- e) Storage of plant and materials used in constructing the development
- f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- g) Wheel washing facilities
- h) Temporary construction lighting
- i) Types of any piling rigs and earth moving machinery
- j) Measures to control the emission of dust and dirt during construction
- k) A scheme for recycling/disposing of waste resulting from demolition and construction works
- l) Lorry routing
- m) Delivery times to avoid conflicts with the opening and closing times of local schools

Reason: To ensure the proper management of the environmental effects of the development during the construction phase. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13, CS14, CS17 and CS18 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CEMP is required to be adhered to during construction.

### 11. Tree protection

No development (including site clearance and any other preparatory works) shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and the protection of trees during the construction phase. In addition it is necessary to protect the adjacent ancient woodland in Pondhouse Copse. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the trees require protection throughout the construction process.

### 12. Root protection areas

No development (including site clearance and any other preparatory works) shall take place until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

retained has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out except in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and the protection of trees during the construction phase. In addition it is necessary to protect the adjacent ancient woodland in Pondhouse Copse. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the trees require protection throughout the construction process.

### **13. Arboricultural method statement**

No development (including site clearance and any other preparatory works) shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority which shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall not be carried out except in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and the protection of trees during the construction phase. In addition it is necessary to protect the adjacent ancient woodland in Pondhouse Copse. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the trees require protection throughout the construction process.

### **14. Arboricultural watching brief**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out except in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and the protection of trees during the construction phase. In addition it is necessary to protect the adjacent ancient woodland in Pondhouse Copse. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the trees require protection throughout the construction process.

### **15. Piling**

No piling shall take place unless a piling method statement has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The method statement shall detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

the potential for damage to subsurface water infrastructure, and the programme for the works. No piling shall take place except in accordance with the approved details.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy (2006-2026).

### **16. Visibility splays**

No development shall take place until details of vehicular visibility splays onto Clayhill Road have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the visibility splays have been provided in accordance with the approved details. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. A pre-condition is required because changes are required to the prosed access details, and therefore the associated visibility splays will also need prior approval. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because safe access must be provided early in the construction process.

### **17. Phased occupation and water supply**

No dwelling shall be occupied until confirmation has been provided that either:

- a) all water network upgrades required to accommodate the additional flows from the development have been completed; or
- b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

**Reason:** The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS5 of the West Berkshire Core Strategy (2006-2026).

### **18. Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026).

**19. Habitat Management Plan**

No development shall take place until a Habitat Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall ensure that appropriate mitigation measures and management regimes are in place for the site and adjacent woodland post-development. No dwelling shall be first occupied until the approved plan has been implemented, and thereafter adhered to for the lifetime of the plan.

Reason To ensure that appropriate mitigation measures and management regimes are in place for the site and adjacent woodland post-development, in accordance with the recommendations of the submitted ecological report. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

**20.** No dwelling shall be first occupied until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- (a) Identify those areas on the site that are particularly sensitive for bats;
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory;
- (c) Include an isolux diagram of the proposed lighting;
- (d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

**21. Precautionary safeguards for reptiles and amphibians**

Any vegetation clearance shall not take place without implementing the following safeguards:

- a) Areas of any longer vegetation present at the time of works will be strimmed in a two stage process. Following a finger-tip search by a suitably qualified ecologist to ensure that no reptiles are present, the first strimming phase will cut the vegetation to approximately 100-150mm above ground level carefully encouraging any reptiles passing through the vegetation to move into suitable off-site habitat away from the construction zone. The same principle shall be applied to areas of dense scrub which shall be carefully reduced by hand under ecological supervision.
- b) Once vegetation has been cut all suitable refugia within the Site shall be removed carefully under ecological supervision. Suitable refugia may include wooden sleepers, plastic sheeting, corrugated roofing

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- sheets, piping, concrete slabs or rocks.
- c) The second strimming/clearance phase can be undertaken on the same day after completion of the first and will follow a second finger-tip search of the area by the ecologist before being cut to ground level or bare ground as appropriate (0-50mm).
  - d) Any wood piles and cuttings of vegetation shall be removed in a sensitive manner after being checked by an ecologist to ensure no reptiles are present.

Reason Due to the presence of waterbodies within the vicinity of the site and suitable surrounding habitat and boundary features, safeguards are provided in the interests of protecting local biodiversity. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### 22. Precautionary construction safeguards for mammals

The following general construction safeguards shall be implemented throughout the construction of development:

- a) All contractors and Site personnel shall be briefed on the potential presence of badgers within the Site;
- b) Any trenches or deep pits within the Site that are to be left open overnight will be provided with a means of escape should an animal enter. This could simply be in the form of a roughened plank of wood placed in the trench as a ramp to the surface. This is particularly important if the trench fills with water;
- c) Any trenches will be inspected each morning to ensure no animals have become trapped overnight; and
- d) Food and litter shall not be left within the working area overnight.

Reason To implement precautionary measures to safeguard any badgers, foxes or other mammals. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### 23. Restrictions during bird breeding season

No development or other operations (including site or vegetation clearance) that could result in the loss of any hedgerow habitat on the site shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged and the nest is no longer in use.

Reason To prevent harm to nesting birds from demolition and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### 24. Biodiversity enhancements

No development shall take place until details of biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) A minimum of ten artificial bat roost features to be incorporated into

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- the development, such as Habitat integration boxes and Schwegler tree hanging boxes;
- b) A minimum of ten artificial bird nest boxes on trees or incorporated into the walls of new buildings;
  - c) Provision of habitat piles for invertebrates, such as log piles, and the provision of deadwood
  - d) Landscaping proposals shall include the use of native species, and species of known value to wildlife to provide foraging opportunities. The proposals shall include the retention of existing hedgerows and the re-planting of gaps with native species of local provenance.

Reason To achieve net gains in biodiversity. A pre-condition is required because insufficient details accompany the application. This condition is applied in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### 25. Updated surveys

Unless development commences by 25<sup>th</sup> April 2020, no development shall take place until an update report prepared by a qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. This update report shall include an update assessment on the ecology of the site, and establish whether the information provided requires updating in light of changing ecological conditions. The update report submission shall be accompanied by any new surveys deemed necessary, and include any necessary proposed mitigation measures. Therefore the development shall not take place except in accordance with the approved details and any necessary mitigation measures.

Reason: The ecological information that accompanies this application is valid for two years, and therefore should the commencement of development take place outside this timescale, a review of the ecological information will be necessary. A pre-condition is required because ecological mitigation must be up-to-date at commencement of development. This condition is applied in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### Heads of Terms for Section 106 Agreement

#### 1. Affordable housing

- 40% on-site affordable housing
- 70:30 tenure split between social rented and intermediate

#### 2. Public open space

- Provision and transfer of public open space
- Commuted sum of £22,000 towards the future maintenance of public open space.

#### 3. Pedestrian/cycle link

- Contribution of £4000 towards the construction of a new off-site footpath link into Coltsfoot Close.

### Refusal reason (if legal agreement not completed)

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

### Planning obligation

The application fails to provide a Section 106 planning obligation to deliver necessary infrastructure and mitigation measures, including:

- a) 40% on-site affordable housing (70:30 tenure split between social rented and intermediate), without which the proposal would be contrary to the National Planning Policy Framework, Policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Council's adopted Planning Obligations SPD.
- b) Provision, transfer and commuted sum for the maintenance of public open space within the development, without which the development would be contrary to the National Planning Policy Framework, Policy CS18 of the West Berkshire Core Strategy 2006-2026, Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Council's adopted Planning Obligations SPD.
- c) A contribution of £4000 towards the provision of a new pedestrian/cycle access from the site to Coltsfoot Close, without which the development would be contrary to the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA15 of the Housing Site Allocations DPD 2006-2026, and the Council's adopted Quality Design SPD and Planning Obligations SPD.

### (2) Application No. & Parish: 18/03209/FULEXT - 19 and 19A High Street, Theale

*(Councillor Geoff Mayes declared a personal and prejudicial interest in Agenda Item 4(2) by virtue of the fact that his son was the finance director of TA Fisher (applicant for the application). As his interest was personal and prejudicial and a disclosable pecuniary interest, he would be leaving the meeting during the course of consideration of the matter and would take no part in the debate or voting on the matter.)*

*(Councillor Geoff Mayes left the room at 7.30pm)*

*(Councillor Royce Longton in the Chair)*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/03209/FULEXT in respect of the demolition of an existing building and construction of 15 dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping.

Ms Lydia Mather introduced the report to Members' of the Committee, which recommended conditional approval, and ran through the key points. The site was within the settlement of Theale. Part of the site was within a Conservation Area. Separation distances between buildings was in some cases less than 21 metres and therefore conditions had been added for extra screening. The access for the site was off Crown Lane.

The Conservation Officer had been consulted on the demolition and was satisfied that the plans were in-keeping with the area. Ms Mather ran through comments from each of the consultees and additional conditions resulting from responses received.

Officers were recommending approval subject to the completion of a Section 106 Agreement to secure the required amount of affordable housing.

In accordance with the Council's Constitution, Mr Martin Vile objector, Mr Michael Lee, agent, and Councillor Alan Macro, Ward Member, addressed the Committee on this application.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

### **Objector Representations:**

Mr Martin Vile in addressing the Committee raised the following points:

- The density of the site exceeded that stated in the Council's Core Strategy being 87 percent above the limit. The development would be imposing.
- The development had been designed based on unattractive office buildings close by rather than a more attractive residential area.
- A mix of one and two bedroom houses was not required in Theale.
- The north end of the site would be particularly dominating to the local area.
- The calculated loss of light to neighbouring properties was inaccurate.
- The angle from windows exceeded the 25 percent required.
- Crown Lane and number 77 Woodfield Road would be overlooked and separation distances were less than what was required.
- The 15m<sup>2</sup> of amenity space proposed was below what was required. The density of the site was far too high and was in breach of the Council's policy on this matter.
- The site would be accessed by a single track road that would not allow two cars to pass.
- Visibility splays shown in photos of the site were not truly representative.
- Increased traffic would cause further damage to roads near to the site.
- Refuse lorries would exceed the High Street's 10 tonne weight restriction, making refuse collection particularly difficult.
- There was fear that there were not enough spaces being provided in the proposed plans for the site. Vehicles would not be able to park on the access to the site without causing obstruction.
- Mr Vile referred to Core Strategy Policy Number Six, regarding affordable housing and stressed that the proposal conflicted with the Council's requirement for five affordable homes on the site.
- The site would cause a loss in historical frontages in Theale.
- Due to the high level of negative impact that would be caused Mr Vile urged Members of the Committee to refuse the application.

### **Member Questions to the Objector:**

Councillor Graham Pask referred to Mr Vile's comments regarding refuse collection in the area. He noted that waste from the proposed properties would need to be taken through a walkway and asked if this arrangement was normal in Theale. Mr Vile was concerned that refuse bins would be placed on the High Street, which would block pedestrian access. The current building on the site was commercial and therefore refuse was collected from the access road. Further bins would compromise the safety of residents.

Councillor Pask also noted Mr Vile's comments about lighting and angles and asked for further clarification on this point. Mr Vile confirmed that the sun rose over the High Street. He lived at number 12 and did not feel that the plans truly represented the degree of overlooking that would be caused into the windows of his property. If the proposal was agreed then it would block the light to Woodfield Way and the garden belonging to the Falcon Pub.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

### **Agent's Representations:**

Mr Michael Lee in addressing the Committee raised the following points:

- The merits of the application highlighted in the Planning Officer's report reflected the in-depth pre-application process that had taken place.
- There were no outstanding technical objections to the scheme.
- The Officer's report noted that the scheme was in a sustainable location and would be of benefit to the whole community.
- Conditions were included regarding the density and frontage of the scheme.
- The second element of the proposal included 12 dwellings that were either one or two bedroom, which reflected the housing mix seen in the local area. The dwellings would be modern in design and fit in with the surroundings.
- No objections had been raised by the Highway's Officer. There was also a lack of objections from the statutory consultees.
- The planning obligation would be secured by a Legal Agreement.

### **Member Questions to the Agent:**

Councillor Andrew Williamson questioned Mr Lee regarding the area to the back of the site where the flats would be located, which had received objections from residents on density grounds. Mr Lee confirmed that the density was high in the area being questioned however, it was important to consider the context of the site. It was important to note that an approved application for a higher number of flats would be even higher in density.

Councillor Pask questioned the ethos of the area as 12 one to two bedroom units was disproportionate to the Strategic Housing Land Availability Assessment (SHLAA). Mr Lee stated that the plans had been designed using the developer's local knowledge and to ensure best use of the site was achieved.

In trying to understand the reason for the housing mix proposed Councillor Pask further questioned if the developer was trying to compensate for what was not being provided elsewhere in the area, rather than adhering to the SHLAA. Steve Davis (Applicant) joined Mr Lee at the presentation table. He stated that it was rare to have three or four bedroom flats and it was felt that one or two bedroom flats was what was required in Theale at this time to cater for younger people.

### **Ward Member Representation:**

Councillor Alan Macro in addressing the Committee raised the following points:

- In his view the proposal was squeezing too much onto the site and there was a shortage in amenity space.
- Councillor Macro was concerned regarding the loss of significant light to properties close by.
- Regarding the housing mix, as mentioned by Mr Vile, there were already 200 one to two bedroom flats in Theale.
- Any development for more than five homes had to meet certain standards regarding access and in his view, the application in question did not meet these standards.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- Councillor Macro was concerned about street lighting that would be provided as part of the development, which might not be welcomed by residents living near to the site.
- There had been no reference made to pedestrians however, there would be extremely poor sight lines.
- Councillor Macro felt that the frontage along Theale High Street should be a classed as a Non Designated Heritage Asset as it contributed greatly to the street scene.
- Councillor Macro was concerned regarding refuse collection and did not see how this could be carried out without causing obstruction to pedestrians.
- Councillor Macro expressed his concern regarding large lorries that would carry out deliveries to the retail units on site and cause an obstruction
- Councillor Macro was concerned about the amount of parking. Parking elsewhere in Theale was either expensive or restricted.

### **Member Questions to Officers**

Councillor Pask stated that he had attended the site visit and referred to highways concerns. The access to the site had been adapted for office use however, if approved this would change to residential use and there could possibly be 24 vehicles needing a parking space and increased traffic movements. If approved there would be a single lane access with poor sight lines onto Crown Lane. Councillor Pask asked the Highways Officer to comment on these points.

Mr Gareth Dowding stated that the development would utilise an existing track. The development could cause a number of traffic movements. Members needed to be mindful that just because very few traffic movements were generated by the site currently, this would not necessarily stay the case even if the application was refused. Gareth Dowding stated that Highways Officers would struggle to justify reasons for refusal.

Councillor Williamson queried if the access met the adopted standards. He also queried affordable housing and the contribution amount of £50k, which in his view did not seem enough. Mr Dowding stated that where there was an access servicing five or more separate dwellings, there were standards that needed to be met however, this did not include a single block of flats.

Ms Mather referred to Councillor Williamson's comment regarding affordable housing and referred to Policy CS6 which stated that subject to the economics of the provision there was scope for negotiations. Robust negotiations had taken place with the applicant regarding affordable housing and the Council's consultant had advised that £50k was likely to be the most that could be achieved. Ms Mather confirmed that for this scheme one unit normally equated to £120k.

Councillor Ross Mackinnon noted that the recommendation for approval was finely balanced. He queried why there was not considered to be a conflict with policy when the density of the site was above the maximum according to Mr Vile. Ms Mather drew attention to section 6.7 of the report which provided details regarding density. There was an allowance for above 50 dwellings per hectare for developments at places with good public transport nodes and no maximum was defined. Councillor Mackinnon accepted that 50 dwellings per hectare was only a guideline.

Councillor Williamson referred to the distance between the proposed development and existing dwellings. He asked if distances were based on property to property or took

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

gardens into account. Ms Mather reported that distances provided were building to building and did not include gardens.

Councillor Williamson queried the height of the development. Ms Mather showed the Committee photos that had been taken, showing a lady holding a five metre pole at the end of the gardens that backed onto the site. This provided Members with an idea of how high the development would be. Ms Mather added the caveat that the proposed units would be further away than the pole being held up.

### **Debate:**

Councillor Pask stated that it had been very helpful to attend the site visit as it enabled him to make a judgement on the impact the proposal would have. Councillor Pask was concerned about the access to the site and refuse collection. There would possibly be 15 bins placed on a footpath along Theale High Street. Councillor Pask was concerned about the impact that the three storey block would have and he had noted this at the site visit when standing at the end of the site, near the proposed access. What currently stood on the site was of no architectural benefit in his view however, this should not be a justification for granting planning permission.

Whilst on the site visit, Councillor Pask stated that Members had spent time looking at the view to Crown Lane and along the footpath. The sun had been shining helpfully on the day of the site visit and it was noted where a shadow would be cast if the proposal was granted. Councillor Pask felt that for existing dwellings backing onto the site, the proposal would be overbearing, overshadowing and detrimental to amenity.

Councillor Williamson stated that he was concerned about the density of the site. Guidelines on density suggested 30 – 50 per hectare and the proposal greatly exceeded this. He reiterated Councillor Pask's concerns in relation to refuse collections. Councillor Williamson was concerned about the access to the site and vehicles reversing out of it. Highways were unable to find reasons to object to the application.

Regarding affordable housing Councillor Williamson was displeased with the figure of £50k, when Officers were saying that a figure in excess of £600k was actually required. Councillor Williamson proposed that Members refuse the application due to the level of density, traffic issues and affordable housing. Councillor Pask seconded the proposal and added the overbearing nature and loss of light to the reasons for refusal.

Legal Officer, Sharon Armour, asked for clarification on the reasons for refusal. Planning Team Leader, Bob Dray, stated that Members had heard from the Highways Officer, who had raised no objections to the site. It was agreed by Members that the reasons included impact on the character of the area; impact on neighbouring amenity; an inadequate amount of amenity space and an insufficient S106 contribution.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Williamson, seconded by Councillor Pask. At the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to **refuse planning permission** for the following reasons:

1. The proposed development would provide inadequate outdoor space on site. The proposal includes a combination of private and communal gardens, a communal roof terrace and balconies. Overall the proposed provision would be approximately 260m<sup>2</sup>. Supplementary Planning Document Quality Design Part 2 sets out that for flats outdoor space from 25m<sup>2</sup> should be provided for 1 and 2 bedroom flats. For 15 flats from 375m<sup>2</sup> in total should be provided. 12 of the 15 flats would have either no provision or less than 25m<sup>2</sup>. As such the proposed development fails to provide a reasonable provision of quality outdoor space on site contrary to Supplementary Planning Document Quality Design Part 2 2006 and failing of

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

- make a positive contribution to quality of life contrary to Policy CS14 of the West Berkshire Core Strategy 2006-2026 and the National Planning Policy Framework 2019.
2. The proposed residential building of 12 flats would have an overbearing and overshadowing impact on the occupiers of adjacent dwellings and dominate their outlook due to its proximity and height. The building would be set less than 21m from No. 77 Woodfield Way and No. 12 off Crown Lane, with the closest part of the building being 3 storeys in height and just over 9m. The proposed residential building therefore detracts from the living conditions of surrounding occupants, and fails to positively contribute to quality of life. The application is therefore contrary to policy CS14 of the West Berkshire Core Strategy 2006-2026, The National Planning Policy Framework 2;019, and the Council's adopted Quality Design SPD 2006 (part 2).
  3. The proposed development fails to provide appropriate provision towards affordable housing. The contribution offered would be less than half of a single unit of affordable housing as part of the proposed scheme. As such, the development fails to comply with the National Planning Policy Framework 2019, policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Supplementary Planning Document: Planning Obligations.
  4. The proposed density and scale of the residential development at 93.75 dwellings per hectare would be particularly high in an area of lower density housing development of predominantly detached and semi-detached dwellings with some flats above retail units. As such it would fail to respect the prevailing character of the area and setting of the conservation area contrary to the National Planning Policy Framework 2019, and policies CS4 and CS19 of the West Berkshire Core Strategy 2006-2026.

### (3) Application No. & Parish: 19/01038/FULD - Land Adjacent To 1A King Street, Mortimer Common

*(Councillor Geoff Mayes re-joined the meeting at 8.25pm)*

*(Councillor Graham Pask in the Chair)*

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 19/01038/FULD in respect of the erection of 2 x 1 bed and 2 x 2 bed apartments with associated parking and infrastructure following reconfiguration of existing retail car park (accessed from King Street) and creation of new loading bay with associated alterations to shop frontage (accessed from Victoria Road).

Mr Bob Dray introduced the item to Members of the Committee and ran through the key points. The application was a third application for a similar scheme. The first two applications had been refused and the proposal before Members had evolved from the previous applications. There were no technical objections raised by consultees. Seven public representations had been received and all objected to the application.

The main reasons for objections could be viewed under section 4.3 to the report and included highways concerns and loss of amenity. Mr Dray added that the Highway's Officer had scrutinised the plans and was satisfied with the visibility splay and how traffic would manoeuvre within the site.

Mr Dray drew attention to the update sheet, which clarified the timing and frequency of deliveries to the existing retail unit (Budgens). The updated sheet also provided

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

clarification on amenity space and provided two additional conditions. In conclusion, Mr Dray reported that the recommendation was to approve planning permission.

In accordance with the Council's Constitution, Mr Kevin Johnson, Parish Council representative, Mr and Mrs Hakhnazarian, objectors, Emily Temple, agent and Councillor Graham Bridgman, Ward Member, addressed the Committee on this application.

### **Parish Council Representation:**

Mr Johnson in addressing the Committee raised the following points:

- Stratfield Mortimer Parish Council's Planning Committee had strongly objected to the application. Mr Johnson referred to West Berkshire Council's Planning Policy GD1, regarding sites that were detrimental to the street scene.
- The proposed parking layout was impractical as the parking bays were too small at only 1.8 metres wide, which was less than the West Berkshire Council's standard of 2.4 metres wide.
- The private parking area for the apartments showed 6 spaces, whereas the total required was 6.5 spaces. The Parish Council felt that therefore 7 spaces should be provided.
- The proposed amenity space was too small and was less than the size of the ground floor apartments and appeared to be below the recommended mixture of 25m<sup>2</sup> per apartment.
- The frontage of the proposed apartments extended onto the pavement with the entrance door directly onto the pavement.
- Mr Johnson stated that the above points confirmed that the proposal would cause an overdevelopment of the site and an overcrowded layout. The amenity space was too small and the apartments were very close to retail parking which conflicted with the National Development Plan Policy HD4.
- The Parish Council's Planning Committee had strongly objected to the loading/delivery bay proposed, which would be situated at the front of the store on Victoria Road. This would cause safety issues for parents and children walking to and from school.
- The Parish Council was not convinced that the loading bay could be constructed while allowing sufficient footpath width to accommodate wheelchairs and buggies. This would cause safety issues for parents and children walking to school.
- There was concern that comments submitted about the previous application (18/00477/FULD) including articulated lorries arriving from the wrong direction; the removal of the much used dropped crossing point opposite the bus stop and large vehicles parking in the layby near the road junction, would cause road safety issues.
- Mr Johnson also drew attention to a telegraph pole to the front of the store, which would need removing if the proposal was approved, to make way for the loading/delivery bay.

### **Member Questions to the Parish Council:**

Councillor Geoff Mayes noted the comments Mr Johnson had made about the telegraph pole to the front of the shop and stated that this was actually an active electricity line pole and would be one of three poles that would need repositioning. This would be particularly difficult. He asked Mr Johnson if he was aware that the pole serviced a power line. Mr Johnson stated that he was aware of this.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

Councillor Mayes referred to the parking area on the corner of the site that included two disabled parking spaces and felt that this would make the corner particularly tight and difficult for vehicles to navigate past. Councillor Mayes was reminded by the Chairman that only questions to Officers were permitted in this section of the meeting.

Councillor Mayes referred to the frontage of the apartment block onto King Street and asked for further clarification on Mr Johnson's concerns. Mr Johnson was concerned that the frontages of the apartments opened onto the pathway and were positioned too far forward.

### **Objector Representations:**

Mr Hakhnazarian in addressing the Committee raised the following points:

- Mr Hakhnazarian highlighted that the application suggested that his property was number 1A whereas it was actually number 1.
- His property would be the most impacted upon if permission was granted. The distance from Mr Hakhnazarian property to the site was about one metre.
- The development would not be in keeping with the surrounding area and would cause overshadowing.
- The Human Rights Act gave particular emphasis to protecting family life and this would be adversely affected if permission was granted.
- There would be loss of sunlight caused to Mr Hakhnazarian's property caused by a proposed double storey bike store, which in Mr Hakhnazarian's view would be better suited to Reading Station.
- The development would encroach on his family's private space. Mr Hakhnazarian's wife worked from home and therefore it would have an impact on her home and work life, as the car park would be in operation until 10pm at night.
- There would be a detrimental impact on Kings Street.
- There was a small car park for the Budgens store opposite the site however, this was not sufficient and therefore customers would be forced to park on the street, which would compromise highway safety.
- If the proposal was granted permission then Mr Hakhnazarian's garden would be severely overlooked and filled with pollution.
- Mr Hakhnazarian referred to Planning Policy CS14 and stated that the development was out of character and would be a monstrous development.
- Mr Hakhnazarian voiced his concern regarding the reduction in amenity space. Currently there was 175m<sup>2</sup> of amenity space on the site and this would be reduced to 60m<sup>2</sup> if the application was approved.

### **Member Questions to the Objector:**

Councillor Mayes noted on the drawing that there were four trees along the red site line and asked if these were in Mr Hakhnazarian's garden. Mr Hakhnazarian confirmed that there were two trees in his garden. Mr Hakhnazarian added that there was an oak tree on the site that had a Tree Preservation Order. There was also an apple tree and there was uncertainty regarding what would happen to this tree.

### **Agent's Representations:**

Ms Emily Temple in addressing the Committee raised the following points:

## **EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES**

- Ms Temple expressed that she was grateful to the Case Officer for summarising the application and for the report that had been produced.
- The proposal included two x one and two x two bedroom flats
- The applicant wanted to serve the local community and provide units that were central to local services.
- 60 percent of the homes in the area were owned by one or two people.
- The site was within the boundary and within the centre of the village and therefore was in line with Planning Policy.
- A design Statement had been prepared along with a Road Safety Assessment and Tree Survey.
- The plans represented three years of correspondence with Planning Officers. There would be minimal impact on shoppers and deliveries to the Bugden's store.
- There were two additional parking spaces proposed for the Bugden's Store. If Members of the Committee had concerns about the number of spaces then one space could be re-allocated to the housing.
- The amount of amenity space proposed was in line with West Berkshire Council's standard. Detail on the roof terrace was included within the Planning Officer's report.
- A number of conditions had been accepted by the applicant and a delivery management plan would provide an element of control of this aspect.
- Ms Temple urged the Committee to approve the application.

### **Member Questions to the Agent:**

The Chairman referred to the table included with the update sheet which detailed changes in the number of parking spaces on the site and queried the increase from 15 to 17 in total spaces. The Chairman was uncertain as to whether these numbers accounted for parking spaces, to the front of the store, on the other side of the road. Ms Temple stated that no changes were being made to the store and therefore there was no requirement to increase the spaces from the 15 spaces already available.

Councillor Ross Mackinnon noted that there would be eight extra car parking spaces provided on the site overall and queried what the width of the spaces would be. Ms Temple did not have these figures to hand however, believed they would meet the Council's standard of 2.4 metres.

Councillor Alan Macro asked for confirmation of the stores opening times and it was confirmed that this was 7am until 9pm from Monday to Saturday and 10am until 4pm on Sundays.

Councillor Mayes was concerned about access to car parking spaces on the two forward facing plots. Ms Temple confirmed that this would require a vehicle to carry out a three point turn. All spaces met the relevant standards. Transport Officers had been consulted accordingly.

Councillor Joanna Stewart referred to the Travel Management Plan and asked for further details on this. Ms Temple confirmed that there would be a Delivery Management Plan and on average deliveries to the store took around 10 minutes. Because no changes to the store were being proposed, there were no plans to change how it currently operated.

## **EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES**

Councillor Stewart noted that an articulated lorry sometimes made deliveries to the store and asked when and how often this took place currently. Ms Temple confirmed that currently all deliveries were made to the back of the store.

### **Ward Member Representation:**

Councillor Graham Bridgman in addressing the Committee raised the following points:

- Councillor Bridgman confirmed that he had been lobbied on the application by the applicant and objectors. Councillor Bridgman wanted to ensure that his points were considered as part of the debate on this item.
- The proposed development was an improvement on the former application. In his view the proposal was in keeping with the street scene in relation to Number One Kings Street.
- Councillor Bridgman referred to the car parking spaces for the proposed residential area and felt that these could be increased.
- Councillor Bridgman had requested that the plans from the previous application be put forward for the Committee meeting.
- He was particularly concerned about the plan to convert the current amenity space into car parking.
- Councillor Bridgman had a real issue with the safety of the proposed loading bay to the front of the store. This had also been mentioned by the Parish Council. There was a bus stop to the right of this area and if a delivery was to take place at the same time that a bus was using the bus stop, there would be safety issues. It would be important to ensure that delivery vehicles did not encroach onto the road.
- Councillor Bridgman questioned if the sight lines out of Victoria Road and Kings Road would be obscured if a lorry was in the loading bay. A large vehicle in the loading bay could also obscure the sight lines of pedestrians when attempting to cross the road.
- Councillor Bridgman stated that he did not oppose the application however, felt that conditions were required to take account of the possible road safety issues, particularly in relation to the loading bay.

### **Member Questions to Officers**

The Chairman sought confirmation from Highways Officers regarding the sight lines for pedestrians in relation to the proposed loading bay and asked if this was acceptable. Mr Dowding confirmed that there had been some concerns on this point and a Road Safety Assessment had been carried out by an independent auditor. It had concluded that there were no safety issues regarding sight lines for pedestrians or road users. Therefore the Highways Department had accepted the proposal. Mr Dowding understood the concerns that were being raised and therefore commented that if Members were minded to approve the application then a Stage One and Two Road Safety Audit could be requested. The Chairman asked if this condition was not met if the application would subsequently be refused and Gareth Dowding confirmed that this would be the case.

Councillor Andrew Williamson referred to the 100m<sup>2</sup> of amenity space that was proposed as part of the development however, felt that the area to the front of the site was of little use. Mr Bob Dray confirmed that it was the quality of the space that was most important that the minimum standard in the SPD was generous, and that this proposed provision was considered acceptable.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

Councillor Mackinnon noted that the Parish Council had raised concerns about parking spaces being 1.8 metres wide, which did not meet the required standard set by West Berkshire Council. Mr Dray confirmed that the car parking spaces would be 2.4 metres wide

Councillor Williamson understood that the application was the third proposal and sought to understand what made the current application different enough to cause Officers to recommend approval. Mr Dray referred to section two of the report regarding the planning history for the site which explained the reasons why the two previous applications had been refused. He highlighted the excessive scale of the first scheme, and that the second scheme had placed the development too close to neighbouring properties.

Councillor Williamson asked if any Planning Policy could protect Mr Hakhnazarian's property from pollution. Mr Dray explained that it was important to take the specifics of a case into account. There was already a car park on site and this needed to be kept in mind.

### **Debate:**

Councillor Mayes stated that the Parish Council were completely against the development and the Parish Council's Planning Committee had voted unanimously against the application.

Councillor Mayes felt that the disabled parking spaces were far too close to the pavement. Mr Mayes also felt that the proposed disabled parking bays were too narrow. Councillor Mayes noted that the original plans for the store showed trees that were no longer on the site and therefore had not been maintained.

The frontage and loading bay in Councillor Mayes opinion would be a danger to pedestrians and other road users, particularly if the loading bay was used by an articulated lorry or two smaller vehicles. The bus stop would also create a hazard. The development would impact upon an existing pinch point on Badger Croft Road.

Councillor Mayes stressed that if the power line pole was moved then this would affect the other two in the area. This would require all three poles to be moved or possibly the cables would need to be moved underground. This would cause further obstruction along Victoria Road.

Councillor Mayes noted that one of the previous applications for the site showed a waste disposal unit to the back of the site. This was not shown on the present plans and therefore Councillor Mayes was concerned about where this would be located. Councillor Mayes was in favour of the delivery/loading bay staying at the rear of the store.

Councillor Longton declared that he was undecided on the application. Councillor Williamson voiced concern about the intention to reposition the amenity space next to car parking spaces that backed on to Mr Hakhnazarian's property (Number One). He was concerned about the impact the car parking spaces would have on Mr Hakhnazarian's property including noise pollution. He was also concerned about the need for vehicles to conduct a three point turn to exit some of the car parking spaces. This would be particularly awkward.

Councillor Mayes felt that the Committee should refuse the application on the grounds of access to car parking; the requirement to move overhead power lines and the use of the frontage for deliveries and the dangers this would cause.

Sharon Armour, Legal Officer, asked Councillor Mayes to clarify one of his proposed reasons for refusal and he stated that he wished to add sight lines and impact on the

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

street scene to his list of reasons. Councillor Mayes proposed refusal of the application, but the proposal did not find a seconder.

Councillor Alan Macro stated that he was particularly concerned regarding the impact on Number One and the lighting and noise pollution that would be caused by the car park. Councillor Macro proposed that Members refuse the application and this was seconded by Councillor Mayes.

The Chairman invited Members to vote on the proposal by Councillor Macro, seconded by Councillor Mayes and at the vote the motion was refused.

Councillor Williamson asked for further guidance in relation to the option mentioned by Highways Officer, Mr Dowding earlier in discussions. Mr Dowding confirmed that a Stage One Road Safety Audit had been completed. A Stage Two Road Safety Audit could be required and this would provide a more in-depth analysis at what would be constructed and the impact this would have on pedestrians and road users. This would help to prove beyond doubt whether or not the application was detrimental to highway safety.

Sharon Armour asked if the intention would be to have this information prior to approving the application. Councillor Williamson asked if the Stage Two Road Safety Audit would consider car parking and Mr Dowding confirmed that it purely looked at road safety on the highway.

Councillor Mackinnon stated that like Councillor Longton he felt undecided on the application. He understood and sympathised with the concerns of local residents however, also acknowledged that the area was in need of further housing.

Councillor Stewart sought clarification on the option mentioned by Mr Dowding. She asked if the Committee could accept the application on the basis that the future Road Safety Audit would be conducted or should it object to the applications subject to the Road Safety Audit.

Sharon Armour advised that the Committee could approve the scheme subject to the Head of Planning being satisfied that the applicant had conducted a Stage Two Road Safety Audit. The Chairman added that if the Stage Two Road Safety Audit concluded a satisfactory result then the application would be approved however, if it failed the application would be refused.

Councillor Longton proposed that the Committee approve the application subject to a Stage Two Road Safety Audit. The decision as to whether this Audit was acceptable would be deferred to the Head of Planning. Mr Dray suggested a timescale for completion of three months for the Stage Two Road Safety Audit or such longer period as agreed with the Chairman. This proposal was seconded by Councillor Williamson.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Longton, seconded by Councillor Williamson and at the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to **grant planning permission** provided that a Stage 2 Road Safety Audit is submitted to and approved by the Head of Development and Planning within three months (or any longer period agreed with the Chairman) and subject to conditions (as per recommendation);

Or,

if a RSA is not provided/approved within the timeframe, to **refuse planning permission** on highway safety grounds.

### **Conditions**

#### **1. Commencement of development**

The development hereby permitted shall be begun before the expiration of

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- Location plan 1:1250
- 821D800 rev E (site plan)
- 821D801 (floor plans)
- 821D802 (elevations)
- 821D803 (sections)
- 821D804 (street scene)
- 821D805 (roof plan)
- 170430-03A (HGV service bay)
- 170430-04 (Van service bay)

Reason: For the avoidance of doubt and in the interest of proper planning.

### **3. Parking and Turning Areas**

No dwelling hereby permitted shall be occupied until the vehicle parking and/or turning space have been surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking of vehicles at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **4. Servicing/Loading Bay Construction**

The dwellings hereby permitted shall not be occupied until the new servicing/loading bay and any associated footway works to the Victoria Road frontage have been provided in accordance with drawing no.170430-03Rev A.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **5. Visibility Splays**

No dwelling hereby permitted shall be occupied until the access visibility splays have been provided in accordance with drawing number 170430-03 Rev A. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### 6. Delivery Management Plan

No development hereby permitted shall take place until a Retail Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The Delivery Management Plan should include:

- Timings of deliveries – these should be outside of peak times on the highway network;
- Details of management of deliveries in the interests of pedestrian safety (such as the use of a banksman);
- Haul route to and from the site;
- Maximum sizes of delivery vehicles; and
- No loading or unloading of commercial goods vehicles shall take place on the public highway outside of the confines of the designated lay-by.

Reason: To safeguard the amenity of adjoining land uses/occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because deliveries will likely be impacted early in the development process.

### 7. Construction Method Statement

No development hereby permitted shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials and hours of delivery including building supplies;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction;
- g) Hours of construction works limited to 0800 to 1800 Mon-Friday, 0900-1700 Saturdays with no works on Sundays and public holidays.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjoining land uses/occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all construction.

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

### 8. Sustainable Drainage

No development hereby permitted shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- c) Include attenuation measures to retain rainfall run-off within the site, off site discharge will not be permitted;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- h) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Part 4 of Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the design of the sustainable drainage measures must be known early in the development process.

### 9. Landscaping

Notwithstanding the information submitted within the application documentation, no dwelling hereby permitted shall not be occupied until a detailed scheme of hard and soft landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development;
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

### **10. Boundary Treatment**

The development hereby permitted shall not be occupied until details, to include a plan indicating the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment/s shall be completed in accordance with the approved scheme before the dwellings hereby permitted are first occupied. The boundary treatment shall thereafter be retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and policy CS14 of the West Berkshire Core Strategy 2006-2026.

### **11. Refuse and Recycling Facilities**

Notwithstanding the information submitted within the application documentation, prior to the first occupation of the dwellings hereby permitted, details of refuse and recycling storage areas/facilities within the site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the refuse and recycling facilities have been provided in accordance with the approved details and shall thereafter be retained for this purpose.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site and to ensure the physical form of the facilities would harmonise with the surroundings. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### **12. Cycle Storage**

Notwithstanding the information submitted within the application documentation, the dwellings hereby permitted shall not be occupied until details of the cycle parking and storage space (including height and elevations) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the cycle parking and storage space has been provided in accordance with the approved details and shall thereafter be retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

within the site. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **13. External/Facing Materials**

No development hereby permitted shall take place above foundation level until details and samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development in accordance with The National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), CS14 of the West Berkshire Core Strategy (2006-2026) and the Quality Design SPD (June 2006).

### **14. Obscure Glazing**

The first floor and second floor windows in the east facing elevations of apartment no.3 indicated on drawing 821-D-801 hereby permitted shall be fitted with obscure glazing to a height of 1.7 metres when measured from the floor level of the rooms in which they are located before the individual rooms are first occupied. The obscure glazing shall thereafter be retained as such.

Reason: To avoid potential overlooking/loss of privacy for the occupiers of the adjacent property at no.1 King Street. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (2006) and Supplementary Planning Guidance 04/2 House Extensions (July 2004).

### **15. Electric Charging Points**

The dwellings hereby permitted shall not be occupied until the electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for use by electric vehicles.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Stratfield Mortimer Neighbourhood Plan (2017), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16. Noise Mitigation**

The development hereby permitted shall be carried out in accordance with the noise mitigation measures relating to window glazing/external building fabric specification set out in the noise report prepared by Clark Saunders Acoustics submitted as part of the approved planning application documentation. The approved mitigation measures shall be completed in their entirety prior to the first occupation of the dwellings hereby permitted.

Reason: To ensure a satisfactory living environment for future occupiers in accordance with the National Planning Policy Framework (2019), Stratfield

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

Mortimer Neighbourhood Plan (2017), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

### **17. Tree Protection Measures**

Protective fencing shall be implemented and retained intact for the duration of the development hereby permitted in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan Appendix 5 of the Landscape collective tree report ref LC/00271 dated June 2018. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the requirements of the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policies CS14,18 and 19 of the West Berkshire Local Plan Core Strategy (2012).

### **18. Written Scheme of Archaeological Investigation**

No development hereby permitted shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded to accord with the requirements of the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and Policy CS19 of the West Berkshire Local Plan Core Strategy (2012). A pre-commencement condition is required because archaeological investigation must take place before or concurrent with any development.

### **19. Contamination**

If contamination is found at any time during site clearance, groundwork and construction within the application site, the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval. Works shall thereafter be carried out in accordance with the approved 'remediation method statement' and a final validation report shall be submitted to and approved in writing by the local planning authority before the dwellings hereby permitted are first occupied.

Reason: In order to protect the amenities of proposed occupants/users of the application site. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (2006).

### **20. Piling**

No piling shall take place until a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for

## EASTERN AREA PLANNING COMMITTEE - 18 SEPTEMBER 2019 - MINUTES

the works has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. All piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be within 15m of a strategic sewer/underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017) and CS14 of the West Berkshire Core Strategy (2006-2026).

### **21 Measures to restrict residential parking for residential use only**

The dwellings hereby permitted shall not be occupied until details of the measures to restrict the residential car parking spaces to residential use only have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the parking spaces have been provided and shall thereafter be maintained in accordance with the approved measures.

Reason: To ensure existing and future occupiers of the residential accommodation are provided with adequate parking facilities in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (2019), Stratfield Mortimer Neighbourhood Plan (2017), Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocations DPD (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **22. Trolley storage areas for retail use**

The new serving bay/loading bay to Victoria Road hereby permitted shall not be brought into use until details of areas for the storage of trolleys associated with the operation of the existing retail unit within the site have been submitted to and approved in writing by the Local Planning Authority. The servicing bay/loading bay shall not be brought into use the approved trolley storage areas have been provided and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the appropriate placement of trolley storage following the reconfiguration of the application site, and to ensure that this does not have an adverse effect on use of the car park or surrounding footways in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

*(The meeting commenced at 6.30 pm and closed at 9.40 pm)*

**CHAIRMAN** .....

**Date of Signature** .....