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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 26 SEPTEMBER 2018

Councillors Present: Peter Argyle, Pamela Bale, Graham Bridgman, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Tony Linden (Substitute) (In place of Keith Chopping), Alan Macro, Tim Metcalfe, Graham Pask (Chairman) and Quentin Webb (Substitute) (In place of Richard Somner)

Also Present: Sharon Armour (Solicitor), Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), Bob Dray (Development Control Team Leader) and David Pearson (Development Control Team Leader)

Apologies for inability to attend the meeting: Councillor Keith Chopping, Councillor Richard Somner and Councillor Emma Webster

PART I

26. Minutes

The Minutes of the meeting held on 5 September 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Item 24(1) – 18/01516/HOUSE – Grimms Dyke, Aldworth, Reading – Member Questions to Officers (Paragraph four):

Councillor Bridgman noted that the photos showed a mixture of gravel and grass **above** where the proposed building would stand. Councillor Bridgman asked what would happen if the applicant decided to tarmac this and place a balustrade around it (**effectively giving the same profile as proposed in this application**). He queried if this would breach any planning laws and if planning permission would be required. Bob Dray stated that **he could not be definitive without research, but did not think so.**

27. Declarations of Interest

There were no declarations of interest received.

28. Schedule of Planning Applications

(1) Application No. & Parish: 16/01685/OUTMAJ - land adjacent to Primrose Croft, Reading Road, Burghfield Common

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 16/01685/OUTMAJ in respect of an outline planning application for 28 dwellings. Matters to be considered: Access. Matters reserved: Appearance, Landscaping, Layout and Scale.

Bob Dray, Development Control Team Leader, introduced the report and explained that this application formed part of the wider allocation of the site which comprised a total of approximately 60 dwellings. This proposal for 28 dwellings formed phase one of the development and Officers were of the view that approval of this proposal would not prejudice the second phase. A key consideration in this respect had been the provision of

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access through phase one to phase two. An objection had been received from the phase two landowners but this had since been withdrawn.

Mr Dray summarised by stating that Officers had, on balance, recommended that outline planning permission be granted. A single application was the preferred option for the site but there were not sufficient grounds on which to refuse a phased development on this particular site.

In accordance with the Council's Constitution, Dr Royce Longton, Parish Council representative, Dr Gail Johnston, objector, and Mr Alastair Pott, agent, addressed the Committee on this application.

Objector Representations

Dr Longton in addressing the Committee raised the following points:

- Burghfield Parish Council objected to the planning application due to concerns relating to the site access. There was a road safety concern for pedestrians with no safe crossing point proposed. This was a very busy road to cross. The only public footpath was on the opposite side of the road from the proposed development.
- An indication had been given by West Berkshire Council that a footpath could be provided on the same side of the road as the application site but there were land ownership issues to overcome. The Parish felt that provision of a footpath was required to allow the application to be approved.
- Further work was needed to address the appearance of and the landscaping surrounding the proposed waste bin storage area. This was a concern for The Hollies Nursing Home and its residents.
- There was also a concern at the impact of the proposal on the adjacent ancient woodland and its wildlife.

Questions from Members

Councillor Pamela Bale queried the reference made in the report to a financial contribution towards the footway. Gareth Dowding (Senior Engineer) confirmed that a contribution had been secured (subject to approval) to enhance the footway on the opposite side of the road from the proposed development together with establishing a refuge island to help pedestrians cross safely. Dr Longton noted this point which would help alleviate concerns for this application. However, this would not fulfil the need for a continued footpath on the application site's side of the road.

Objector Representation

Dr Johnston in addressing the Committee raised the following points:

- Many revised plans had been submitted for the site since 2016. Originally, access and layout were to be considered, however an acceptable solution had yet to be found for the layout and it had become a reserved matter.
- A comprehensive master plan was needed for the entire allocated site and a single planning application should be submitted. The submission of this phase one planning application was contrary to policy and illustrative plans did not comply with the Housing Site Allocations (HSA) Development Plan Document (DPD).
- The Ecologist had highlighted concerns and the protection put in place for local wildlife would not be clear until the reserved matters stage. Potential harm to

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wildlife was again contrary to policy. Dr Johnston felt there were ecology grounds on which to refuse the planning application due to the loss of biodiversity.

- Approval of the development would result in private gardens backing onto the woodland. This was not in line with the National Planning Policy Framework (NPPF).
- The site was a significant distance from important local amenities and there was no direct link to these for pedestrians.
- A not dissimilar outline planning application was refused at appeal in 2011.
- Road safety was a concern. The width of the carriageway and the size of the refuge island was insufficient.
- A covenant was in place which restricted development of the land.
- Dr Johnston felt the application should be refused due to the harm it would cause to the woodland and local wildlife; the lack of footpath and inadequate car parking provision; the landscape report did not recognise the cumulative impact of developing the entire site; and the proposal did not comply with the HSA DPD. There were far too many uncertainties that had not been overcome.

Questions from Members

Councillor Alan Law referred to the point made in paragraph 6.13.19 of the report which concluded that the proposed development was capable of complying with Policy CS17 in terms of conserving and enhancing local biodiversity. He therefore questioned the point made about refusal on ecology grounds.

Dr Johnston referred to a report of a Senior Ecologist which stated that it was contrary to this policy as it would not achieve a net ecology increase. Councillor Graham Pask clarified that this was the view of an Ecologist employed by Hampshire County Council. Councillor Law reiterated that West Berkshire Council's planning report stated that the proposal was capable of complying with the associated policy. Dr Johnston did not feel this matter could be fully determined until the reserved matters stage.

Councillor Alan Macro queried what was covered by the covenant. Dr Johnston explained that this was attached to Primrose Croft and this point was being investigated. She resided at Primrose Croft.

Councillor Richard Crumly referred to road safety and specifically sight lines on exiting the site. He considered the sight lines at the site visit and considered that this was acceptable in both directions. Dr Johnston commented that Reading Road could be extremely hazardous at peak times and the safety concern was for pedestrians.

Agent Representation

Mr Pott in addressing the Committee raised the following points:

- The application was submitted some time ago. It adhered with the HSA DPD and was Phase One of the wider development.
- The only matter for consideration for the Committee was access. Planning Officers felt that the outline application was acceptable and in accordance with Planning Policy. All other matters were reserved.
- Much work had been undertaken to demonstrate the viability of the development.
- The S106 Heads of Terms included a financial contribution towards highway works.

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Questions from Members

Councillor Law questioned why layout and scale had not been provided at this outline stage particularly when the application was for 28 dwellings. Mr Pott clarified that the application was for 28 units.

Councillor Macro queried the position of the proposed access next to Primrose Croft. Mr Pott explained that this was based on the advice of their Highways Consultant and the Council's Highways' Officers. They advised that the access point was acceptable.

Councillor Graham Bridgman highlighted that Policy HSA16 required the provision of an appropriate landscape buffer on the part of the site that was adjacent to The Hollies to minimise any impact on the residents. He noted this was for the reserved matters stage but questioned the actual location of the buffer on the plans. Councillor Bridgman, in his role as Portfolio Holder for Adult Social Care, had discussed this proposal with the Manager of The Hollies who also had concerns and wanted this matter confirmed. Mr Pott advised that he was aware of the concerns that had been highlighted and this was something to be addressed in more detail at the reserved matters stage.

Ward Member Representation

The Ward Member, Councillor Ian Morrin, had sent his apologies for being unable to attend both the site visit (due to a prior work engagement) and the meeting (due to family commitments). Councillor Bridgman read out the following written statement provided by Councillor Morrin:

'Chairman, Committee Members, members of the public, I apologise that I cannot be there in person due to family commitments. I recognise that this site has been allocated within the DPD process and as such is land that can be brought forward for development, however there are three areas of this application in particular that are of concern and hence my questions to the Committee:

- There have been a number of issues in bringing this application forward, one of which was the co-ordination of the two groups, I understand that this has now been resolved. However the current application is for 28 homes leaving the balance of 32 homes for the second application. I am concerned that the application before you is for the most developable land but does not cover 50% of the proposed properties. This leaves the balance of 32 homes to be built on a site that seems (in my amateur opinion) to be much less developable. What assurances can the relevant landowners provide that the second site will be developed appropriately and how do we ensure these commitments are maintained?
- How will the developer ensure that the proposed build does not encroach into the woodland at the edge of the site, I understand that a one metre "buffer" has been requested by Officers but what assurances do we have that this will be maintained and is sufficient protection?
- The development is very close to the Hollies Care Home which cares for some of West Berkshire's most vulnerable adults. What will be done to protect the residents from undue stress and harm whilst the build is taking place and to ensure their future wellbeing is not impacted by the development?

Thank you for considering these points in your discussions'.

Officer response to Ward Member

In response to these points, Mr Dray explained that there had been concerns in relation to the access point and its angle into the site. However, the angle had been altered and

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Officers were satisfied that Phase One could proceed without impacting or preventing Phase Two.

Considerable time had been spent on the housing numbers. 28 homes was considered as the capacity for Phase One. Officers were confident in the recommendation to grant outline permission for the 28 homes. The capacity of Phase Two would be assessed in due course.

In relation to the buffer, Mr Dray advised that the preference would have been for a road running alongside the edge of the woodland with a grass verge, but this was not technically possible due to the depth of the site behind The Hollies. However, the proposal was found to be acceptable and the proposed "buffer" planning obligation would provide an extra degree of protection against future encroachment. The detailed layout of this buffer would be confirmed at the reserved matters stage.

Finally, in terms of the impact on the care home, the minimum distance between boundaries of 21 metres had been achieved and was as shown on indicative plans. Mr Dray added that there was felt to be sufficient scope to reconfigure the buildings if this was found to be necessary at the reserved matters stage given the relatively low density of development. He also explained that when outline permission was refused at appeal in 2011, the Planning Inspector was not concerned regarding the proximity of The Hollies. The loss of a private view was not a material planning consideration. It was also the case that this was a lower density proposal.

Member Questions to Officers

Councillor Quentin Webb referred to paragraph 1.12 of the report which highlighted that the Secretary of State (SoS) for Housing, Communities and Local Government (MHCLG) had received a request from an undisclosed party to recover the application for his own determination. As such, the Committee's resolution would be referred to the MHCLG prior to a decision being issued, so that the SoS could decide whether to use his powers. Councillor Webb questioned the significance of this and whether it applied to the outline application or for reserved matters. He also asked if the Committee was legally able to determine the application.

Mr Dray explained that the SoS had not called-in the application, but the MHCLG had asked to be informed of the Committee decision on the outline application for consideration alongside the request that had been made. A decision notice would not be published until this process had completed.

Councillor Webb then requested clarification on the references made to footways and footpaths within the conditions. Mr Dowding explained that condition six – layout and design standards – should state footway and not footpath.

Mr Dray stated that a buffer to Pondhouse Copse would be included to prevent encroachment of the development into the proposed local wildlife site which was a matter of concern to Members. However, he added the clarification that the actual design and layout of the buffer and the detail of its position etc was a reserved matter and did not feature in the proposed conditions of approval for the outline application.

Councillor Law questioned why scale was a reserved matter when the outline application was stated as being for 28 dwellings. Mr Dray explained that in this context "scale" meant the height, width and length of each building proposed within the development in relation to its surroundings, rather than the total number of dwellings proposed. The number of dwellings was being considered at this stage, but their precise dimensions would be considered at the reserved matters stage.

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In response to a further question from Councillor Law, Mr Dray confirmed that the HSA DPD did not include the strip of land running alongside Primrose Croft.

Councillor Macro questioned the ownership of the visibility splay. Mr Dowding explained that splays should be on existing highway land or land dedicated as highway, i.e. within the control of the Highway Authority although it could still be owned by the developer. Mr Dray added that the visibility splays were within the same ownership as the application site, that the area would need to be landscaped and this included the removal of trees.

Councillor Macro then queried the positioning of the access point. Mr Dowding clarified that this was to adhere to visibility splay requirements which could be provided at this point and which was over highway's land.

Councillor Pamela Bale asked what parking provision was in place for visitors and if this could be accommodated on the road running through the site? Mr Dowding explained that while this was only an outline application, the road width etc would be built to adoptable standards. There were no standards to meet for visitor parking. Mr Dray added that the detailed indicative layout and parking plans provided with the application were sufficient to demonstrate that parking levels for residents would comply with policy.

Councillor Bale next questioned the future maintenance of the landscape buffer. Mr Dray explained that this could be conditioned for a period of five years. Discussion could be held at the reserved matters stage on the potential to extend this timeframe.

Councillor Bridgman referred to Condition Five – the Parameter Plan. This explained that the parameters shown had to comply with a range of policies including HSA16 (which linked to the landscape buffer). He queried the level of control over the landscape buffer, if outline permission was granted, as he felt this should be enhanced from that shown in the plans. Mr Dray explained that the reserved matters layout would need to accord with the Parameter Plan and so in essence the width shown could be considered as a minimum standard in determining this application and there was therefore flexibility around the landscape buffer at reserved matters, when its width and impact could be looked at more closely.

Councillor Bridgman next referred to the S106 Planning Obligation, in particular part (c) – highway enabling works. He questioned whether matters including the positioning of the refuge and footways would be fixed by a decision made at the meeting. In response, Mr Dray explained that the positioning of the access, which was acceptable to Highways, would be approved if Members were minded to grant outline planning permission. Condition 7 required the prior approval of detailed plans for the access, and so the precise design and layout would be determined pursuant to the condition.

David Pearson further clarified that while access formed part of the outline application, all remaining highway related work was subject to separate negotiations and these could seek to address Member concerns in relation to footways and the location/size of the refuge.

Councillor Tim Metcalfe queried the right of access for residents to the woodland and its ownership. Mr Dray explained that this could not be influenced via the planning application. This access, i.e. from a rear garden gateway, was a matter for the landowner.

Councillor Metcalfe then asked whether it was possible to condition the Phase Two development. Mr Dray confirmed that, as with any development, it was down to the developer to bring forward a planning application. However, applicable controls and conditions would be imposed for Phase Two so that Phase One residents were not negatively affected, i.e. a Construction Method Statement.

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Debate

Councillor Crumly noted that 28 dwellings was the capacity for this element of the site. Access was the matter for consideration and Councillor Crumly viewed the proposal as satisfactory with suitable visibility splays. He therefore saw no reasons on which to refuse planning permission. Councillor Crumly gave his support to the Officer recommendation.

Councillor Law congratulated Officers for their work on this complex application. The main issues highlighted in relation to ecology and landscaping would be addressed at the reserved matters stage. He also felt there were no valid reasons on which to refuse the outline application and proposed acceptance of the Officer recommendation to grant outline planning permission. He added that the principle of development had been established in the HSA DPD. Councillor Crumly seconded the proposal.

Councillor Macro remained concerned at the loss of trees to achieve the visibility splay, but accepted this was in the developer's control and was not a reason on which to refuse the application.

Councillor Bridgman reiterated the concern that the site allocation in the HSA DPD was for 60 dwellings. This application was for less than half of that number and the full development could not be guaranteed. It was important, for reserved matters, to be clear on the issues of access to the public open space/the woodland and the landscape buffer, particularly in relation to the impact on The Hollies.

However, Councillor Bridgman concluded by stating that the advice from the Highways Officer was that the visibility splays met the required standard for the access and plans were in place for a refuge to aid crossing the road safely.

Councillor Marigold Jaques highlighted the need to ensure that matters relating to conservation were carefully considered at the reserved matters stage. Mr Dray explained that relevant conditions applied to the outline application and would be a point of detail at reserved matters.

RESOLVED that subject to the completion of a S106 legal agreement within three months from the resolution date (or any longer period as agreed in writing in consultation with the Chairman/Vice Chairman of the Eastern Area Planning Committee and Ward Members) for the Heads of Terms listed in the table at Section 6.20 of this report, to delegate to the Head of Development and Planning to **GRANT OUTLINE PLANNING PERMISSION** subject to the conditions listed below.

And, to delegate to the Head of Development and Planning, prior to issuing the decision notice, the authority to make any minor changes to the wording of the conditions they deem appropriate which would not materially alter the resolution of the committee (for example, to ensure the conditions reflect the terms of the s106 legal agreement).

Conditions

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

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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 Site Location Plan (1048(SP)01 Rev B).

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

5. Parameter Plan

The reserved matters submitted pursuant to condition 1 shall be in accordance with the Development Parameter Plan (2610-A-1200-C).

Reason: The parameters shown on this drawing are necessary to ensure the development achieves an acceptable standard of design, which complies with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA16 of the Housing Site Allocations DPD 2006-2026, and the West Berkshire Quality Design SPD.

6. 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).

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7. Access details

Detailed plans of the site access and associated works (including pedestrian crossing and refuge island adjacent to access, signage and line markings) to Reading Road shall be submitted to the Local Planning Authority for written approval before or alongside the submission of the layout reserved matters. Thereafter, no dwelling shall be first occupied until the approved access and associated works have been completed in accordance with the approved details.

Reason: To ensure the new dwellings have safe and suitable access. A pre-condition is required because the access details provided with the application show insufficient widths for the Reading Road carriageway and pedestrian refuge island. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

8. Visibility splays

No development shall take place until details of vehicular visibility splays onto Reading 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 proposed 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).

9. Sustainable drainage

A detailed drainage strategy for the development shall be submitted to the Local Planning Authority for written approval before or alongside the submission of the layout reserved matters. The strategy shall prioritise sustainable drainage measures, and be accompanied by sufficient background information to enable assessment. Thereafter, no dwelling shall be first occupied until the approved drainage measures have been completed in accordance with the approved details.

Reason: To ensure a detailed drainage strategy is provided for the development based on the final layout. A pre-condition is required because the drainage strategy will relate to the final layout which has been reserved for later consideration. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy 2006-2026, and the West Berkshire Quality Design SPD.

10. Integrated water supply and drainage strategy

No development shall take place until an integrated water supply and drainage strategy has been submitted to and approved in writing by the Local Planning

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Authority. Thereafter the development will be undertaken in accordance with the approved strategy.

Reason: To ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. A pre-condition is required because this policy-requirement is not addressed within the current application, and will depend on the final layout of the development. This condition is applied in accordance with the National Planning Policy Framework, Policies CS5 and CS16 of the West Berkshire Core Strategy (2006-2026), and Policy GS1 of the Housing Site Allocations DPD 2006-2026. A pre-condition is necessary to make the development acceptable, as this information is not included within the application submission.

11. Parking and turning

Details of vehicle access, parking, and turning (where appropriate) for every dwelling shall be submitted to the Local Planning Authority for written approval before of alongside the submission of the layout reserved matters. Thereafter no dwelling shall be first occupied until the vehicle access, parking and turning space(s) associated to that dwelling have been surface, market out and provided in accordance with the approved details. The parking spaces shall thereafter be kept available for parking (of private motor cars and/or light goods 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. A pre-condition is required because insufficient information accompanies the outline application and parking provision may affect the overall layout of the development. 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).

12. Construction method statement

No development 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) Parking of vehicles of site operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials used in constructing the development;
- (d) Erection and maintenance of security hoarding;
- (e) Temporary access arrangements to the site, and any temporary hard-standing;
- (f) Wheel washing facilities;
- (g) Measures to control the emission of dust and dirt during construction;
- (h) Measures to protect local biodiversity during construction;
- (i) Details of lighting during construction.

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Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. The approval of this information is required at this stage because insufficient information has been submitted with the application. A pre-condition is required because insufficient information accompanies the outline application and the CMS must be in place before demolition/construction operations commence. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 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).

13. **Spoil**

No development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil from the site (that is not to be deposited);
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

14. **Tree protection (prior approval)**

No development shall take place until a tree protection scheme has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2012. Notice of commencement of development shall be given to the Local Planning Authority at least 2 working days before any development takes place. The scheme shall be retained and maintained for the full duration of building/engineering operations, 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

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agreement of the Local Planning Authority.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. The tree protection must be provided before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. This condition is applied in accordance with the National Planning Policy Framework, Policy CS18 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD.

15. **Tree protection – construction precautions (prior approval)**

No development 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 retained has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. Note: this condition relates specifically to works that will take place in close proximity to retained trees, and so does not duplicate other tree protection conditions; however, the required details may be approved as a single package. A pre-condition is required because the tree protection measures may vary depending on the final layout. This condition is recommended in accordance with the National Planning Policy Framework, Policies CS17 and CS18 of the West Berkshire Core Strategy (2006-2026).

16. **Arboricultural method statement (prior approval)**

No development shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The statement 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.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. Note: this condition relates specifically to works that will take place in close proximity to retained trees, and so does not duplicate other tree protection conditions; however, the required details may be approved as a single package. A pre-condition is required because the tree protection measures may vary depending on the final layout. This condition is recommended in accordance with the National Planning Policy Framework, Policies CS17 and CS18 of the West Berkshire Core Strategy (2006-2026).

17. **Arboricultural supervision**

No development (including site clearance and any other preparatory works) shall take place until an arboricultural watching brief has been secured for the

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development, in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. Site monitoring shall thereafter take place in accordance with the approved details.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. The watching brief must be secured before development takes place to ensure that the trees are protected throughout the construction phase. A pre-condition is required because the tree protection measures may vary depending on the final layout. This condition is applied in accordance with the National Planning Policy Framework, Policy CS18 of the West Berkshire Core Strategy (2006-2026), VDS/PDS, and Quality Design SPD.

18. 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.

19. Lighting Strategy

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,

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and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

20. Reptile mitigation

No development shall take place until a reptile mitigation strategy, written by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be fully implemented in accordance with the approved details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats, and in order to avoid contravention of the Wildlife and Countryside Act 1981. 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. Construction holes (prior approval)

During the construction phase, no excavations shall be left uncovered overnight unless exit ramps (e.g. scaffold boards or similar) are provided.

No works that include the creation of trenches or culverts, or the presence of pipes, shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts have been submitted to and approved in writing by the Local Planning Authority. The measures may include: (a) the creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations, or by using planks placed into them at the end of each working day; and (b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day. Thereafter, building operations shall not be undertaken without implementing the approved measures.

Reason: To ensure the protection of badgers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

22. Restrictions during bird breeding season

No demolition, or site/vegetation clearance 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.

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23. 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).

24. Biodiversity enhancements

The development shall not be first occupied until details of biodiversity enhancements have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The enhancements shall include (but not be limited to) the provision of built-in bat roosting features within new dwellings. Thereafter, the biodiversity enhancement measures shall be maintained in their approved condition for the lifetime of the development.

Reason: To achieve net gains in biodiversity, and to mitigate the impact on bat species. 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. Travel information packs (prior approval)

No dwelling shall be first occupied until a scheme for the provision of travel information packs for new residents has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a scheme that seeks to deliver sustainable transport objectives, such as encouraging the use of local public transport and other non-car modes of transport. The provision of travel information packs to new residents is a scheme that is proportionate to the size of the development. This condition is applied in accordance with the NPPF, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and Policies GS1 and P1 of the Housing Site Allocations DPD (2006-2026).

26. Cycle storage (prior approval)

No dwelling shall be first occupied until cycle storage facilities have been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage the use of cycles in order to reduce reliance on private

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motor vehicles. 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).

27. Refuse storage (prior approval)

No dwelling shall be first occupied until refuse storage facilities have been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate and safe refuse/recycling facilities within the site. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

28. Emergency water supplies

No dwelling shall be first occupied until either:

- (a) Private fire hydrant(s), or other suitable emergency water supplies, have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority (in consultation with Royal Berkshire Fire and Rescue Service); or
- (b) Royal Berkshire Fire and Rescue Service confirm that such provision is not required (for example, because the main water supply for the development is sufficient) and confirmation of the same has been given in writing by the Local Planning Authority pursuant to this condition.

Reason: At present there are no available public mains in this area to provide suitable water supply in order to effectively fight a fire. Suitable private fire hydrant(s), or other suitable emergency water supplies, are therefore required to meeting Royal Berkshire Fire and Rescue Service requirements, in the interests of public safety. The approval of this information is required before development commences because insufficient information accompanies the outline application and it will affect the servicing of the development. This condition is applied in accordance with the National Planning Policy Framework.

INFORMATIVES

1. S106 Legal Agreement

This decision notice should be read in conjunction with the s106 legal agreement dated [to be added once completed]. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.

2. Compliance with conditions

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice

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under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

3. Pre-conditions

This decision notice contains pre-conditions that impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

4. Compliance with approved drawings

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

5. Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

6. Building Regulations

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control

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7. Surface Water Drainage

It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

8. Water Industry (Scheme for the Adoption of private sewers) Regulations 2011

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes Thames Water recommend you email them a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

9. Groundwater Risk Management Permit

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

10. Water Utilities

Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

11. Construction noise

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health. For

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more information: email ehadvice@westberks.gov.uk, call 01635 519192, or visit <http://info.westberks.gov.uk/environmentalhealth>.

12. Great Crested Newts

Since there is no perceived risk of impacts to great crested newt, mitigation measures are not provided. However, if at any time during the proposed works it becomes apparent that great crested newts are present and at risk of impacts, all work with the potential to affect the species will need to temporarily stop whilst advice is obtained from a Natural England licensed ecologist about how to proceed without risk of an offence being committed.

Or, if a S106 legal agreement is not agreed within the above specified time, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION** for the reason listed below:

1. S106 Planning Obligation

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

- (a) Affordable housing, without which the proposal would be contrary to the NPPF, Policy CS6 of the West Berkshire Core Strategy 2006-2026, and the Planning Obligations SPD.
- (b) Public open space and sustainable drainage measures (provision and governance), without which the proposal would be contrary to the NPPF, Policies CS16 and 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 Planning Obligations SPD.
- (c) Highway enabling works, including footway improvements and uncontrolled crossings, without which the proposal would be contrary to the NPPF, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy HSA16 of the Housing Site Allocations DPD 2006-2026, and the Planning Obligations SPD.
- (d) Provisions to ensure that access is provided through the "Phase 1" application site to "Phase 2" (the remainder of the housing site allocation), without which the proposal would be contrary to the NPPF, Policies ADPP1, ADPP6, CS1, CS13 and CS14, Policies GS1 and HSA16 of the Housing Site Allocations DPD 2006-2026, West Berkshire Quality Design SPD, and the Planning Obligations SPD.
- (e) Provision of a buffer to Pondhouse Copse to prevent encroachment of the development into the proposed Local Wildlife Site, and thereby to prevent the associated adverse effects, without which the proposal would be contrary to the NPPF, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies GS1 and HSA16 of the Housing Site Allocations DPD 2006-2026, and the Planning Obligations SPD.

29. Appeal Decisions relating to Eastern Area Planning

Members noted the outcome of appeal decisions relating to the Eastern Area.

30. Site Visits

The 10 October 2018 was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 17 October 2018.

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Councillor Graham Pask reminded Members of the need to attend mandatory training sessions taking place in November 2018. All Planning Committee Members needed to attend this training.

David Pearson took the opportunity to inform Members that as of 1 October 2018, new Government legislation would mean that pre-conditions could not be imposed unless agreed to by developers.

(The meeting commenced at 6.30pm and closed at 7.59pm)

CHAIRMAN

Date of Signature