

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 28 NOVEMBER 2018**

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

**Also Present:** Stephen Chard (Principal Policy Officer), Gareth Dowding (Senior Engineer), David Pearson (Development Control Team Leader) and Simon Till (Principal Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Keith Chopping and Councillor Alan Law

### **PART I**

#### **36. Minutes**

The Minutes of the meeting held on 7 November 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

**Item 33 (1) – 18/00878/OUTMAJ, 72 Purley Rise, Purley on Thames – Condition 13 (first sentence):**

**Variation HIGH1 – Layout and Design Standards (YHA1)**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road, **footway** and footpath design and vehicle parking and turning provision, and the developer shall enter into a S278 Agreement for the construction of the access, as detailed on drawing number 8170661/6103 Rev A, and a S38 Agreement for the adoption of the site.

#### **37. Declarations of Interest**

All Councillors 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, with the exception of Councillor Graham Bridgman who determined that he would abstain from voting on the matter.

#### **38. Schedule of Planning Applications**

**(1) Application No. & Parish: 18/02121/OUTMAJ - Lakeside, The Green, Theale**

*(All Councillors declared a personal interest in Agenda Item 4(1) by virtue of the fact that they knew the applicant's agent, Mrs Liz Alexander, as she was formerly an employee of West Berkshire Council. Mrs Alexander would be addressing the Committee on the application. 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, with the exception of Councillor Graham Bridgman who determined that, in his capacity as Portfolio Holder for Adult Social Care, he would abstain from voting on the matter.)*

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*(Councillor Emma Webster declared a personal interest in Agenda Item 4(1) by virtue of the fact that her employer was a retirement and care home developer (extra care units). She did not however work for the extra care provider associated with this application, but wanted to raise this for clarification purposes. 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.)*

*(Councillor Alan Macro declared a personal interest in Agenda Item 4(1) by virtue of the fact that he lived in The Green, Theale. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*(Councillor Graham Bridgman declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was West Berkshire Council's Portfolio Holder for Adult Social Care and he would be addressing the Committee in this capacity. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate but he would abstain from voting on the matter.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/02121/OUTMAJ in respect of a Section 73 application to remove Condition 31 (age restriction) of planning appeal APP/W0340/W/16/3159722 (15/02842/OUTMAJ).

Simon Till, Principal Planning Officer, introduced the report which had been referred to Committee for determination by the Development Control Manager.

Mr Till explained that outline planning permission was in place for the entire Lakeside scheme for residential development of up to 325 houses and apartments including 70 extra care units. This application was to remove Condition 31 which stated that:

'The proposed 'extra care' units shall not be occupied other than by persons over the age of 55 years, and by the spouse, partner, or dependents of such a person.'

Subject to approval, the scheme would be altered to provide up to 50 residential flats instead of the approved 70 extra care units.

Alongside the removal of Condition 31, a Deed of Variation was sought in order to uplift the level of affordable housing provision on the site from 12% to 25% (an increase of up to 76 affordable dwellings), but in doing so the overage clause would be removed from the agreement. This clause required a review of viability at the stage when the site had been 90% completed in order to establish whether an additional financial contribution towards off-site affordable housing provision should be made.

Officers considered that approval of the application would help to meet both market need and affordable housing need in the area, and would help to facilitate the development. Further, it was the Officer view that the benefits outlined weighed heavily in favour of the application, in comparison to the existing permission, and conditional permission was therefore recommended.

Councillor Quentin Webb sought clarification on whether or not the Committee was able to alter a condition and a legal agreement set by the Planning Inspectorate. In response, Mr Till explained that the Town and Country Planning Act contained provision to vary conditions as part of a Section 73 application. The Act did not distinguish between conditions imposed by either local authorities or the Planning Inspectorate. Therefore, the Committee could lawfully vary/amend the relevant condition and the legal agreement without making reference to the Planning Inspectorate.

In accordance with the Council's Constitution, Mrs Liz Alexander, agent, addressed the Committee on this application.

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### **Agent Representation**

Mrs Alexander in addressing the Committee raised the following points:

- She explained that the Section 73 application to remove Condition 31 had been submitted following the difficulties encountered with marketing and selling the site with the inclusion of the extra care housing and the inclusion of the overage clause.
- The applicant had actively marketed the site to a number of residential developers as they wanted the site to be purchased and developed. Unfortunately no bids had reached the final stages of the process.
- These concerns had therefore been reported to the Council and the application sought to remove the extra care housing and the overage requirements.
- As explained by the Planning Officer, the 70 extra care units would be replaced by 50 flats together with an adjustment to the car parking requirement. The overall density would also be reduced.
- An indicative layout had been provided to the Council and pre-application advice had been sought. The Council advice was that there was not a requirement for extra care units on the site.
- Officers had welcomed the boost that approval of this application and its resultant development would bring to the District's housing numbers. The principle of the development had already been established in the Housing Site Allocations Development Plan Document (HSA DPD) and the number of units would contribute to West Berkshire's land supply (once developed) between 2020 and 2022.
- The increase to a 25% affordable housing contribution, which was an agreed commitment, would more than double the already approved 12%. This would offer certainty to both the Council and the appointed developer. In return, the applicant was seeking the removal of the overage provision via the Deed of Variation.
- The Officer recommendation was for approval subject to conditions.

### **Questions from Members**

Councillor Webster sought assurance that should this application be approved, then a future application would not be submitted seeking to reduce the affordable housing contribution. Mrs Alexander explained that viability work showed that the application, including the 25% affordable housing contribution, was deliverable by a registered developer. However, a 100% guarantee could not be given.

Councillor Webster noted the point made in relation to extensive marketing. She queried if this included approaches to care/retirement developers. Mrs Alexander confirmed that five assisted living/care operators had been approached.

Councillor Richard Crumly queried if there were further reasons to explain why development had not proceeded to date. Mrs Alexander repeated the points she had already made that the applicant was eager to sell the site and for it to be developed. However, as explained, extra care units were not attractive to the market, demand for such accommodation had reduced and the overage requirement presented to developers a particularly high cause of uncertainty.

Councillor Webster then made the point that overage requirements were not peculiar to West Berkshire and, as a standard practice, should not present a particular problem to developers. Mrs Alexander advised that the overage requirement was a factor which had prevented the development of the site. The fact that this requirement would become a

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consideration once the site had been 90% completed added to this concern. Mrs Alexander was not aware if developers had cited a lower percentage.

Councillor Webb noted that it was proposed for the 50 flats to be provided via 27 single bedroom and 23 two bedroom flats. He queried how the need for the single bedroom flats had been identified. Mrs Alexander explained that regard had been given to the housing numbers/requirements outlined in the Strategic Housing Market Assessment (SHMA).

### **Ward Member Representation**

Councillor Macro, speaking as Ward Member, raised the following points:

- The majority of residents in Theale were accepting of the development. An area of concern had been the overall number of units and the height proposed of the flats. This proposal would reduce the number of units. It would also have a lesser impact on local resources, i.e. GP surgery.
- The application was therefore welcomed and Councillor Macro considered it to be a move in the right direction.

### **Member Questions to Officers**

Councillor Marigold Jaques asked why Adult Social Care (ASC) had not originally been asked to comment on the application. Mr Till acknowledged that ASC had not been consulted in the first instance, but this was based on the Officer view that the extra care housing from the existing planning application was a windfall. The extra care provision had been proposed by the applicant and was not a requirement stipulated by the Council.

However, once Councillor Macro had highlighted as a concern that ASC had not provided feedback, ASC were consulted. Their comments were outlined in the update sheet as was a response to the comments from Planning Policy. The Planning Policy viewpoint again highlighted the fact that the extra care units were proposed by the applicant rather than being sought by the Council. In order to accord with Policy CS4 of the Core Strategy, clear evidence would need to be provided to support a decision, i.e. for extra care housing. However, despite the comments that had been received from ASC being noted, the Planning Policy view was that there was not robust evidence from ASC to support demand for extra care housing.

Mr Till concluded on this point by stating that the benefits of extra care housing had been considered, but these were outweighed by the benefits of this application including the increased affordable housing provision. This application would also help to address the market concerns that had been raised by the applicant.

Councillor Crumly asked for greater clarity on how the overage clause would be implemented if this application was refused. Mr Till reiterated that the clause stipulated a need to conduct a viability review when the development was 90% completed. The 12% affordable housing contribution had been secured. If the viability review found that the site would yield a higher sum than predicted then an offsite affordable housing contribution would be sought.

However, the Officer view was that the increase to 25% affordable housing should be supported in comparison to the 12% plus overage. The 25% proposal was the consideration for this application.

Councillor Macro referred to the minutes of the Eastern Area Planning Committee of 18 January 2017 when the need for a master plan for the site was highlighted. He therefore queried why this was not referenced in either the planning report or the Planning Inspector's report, and whether this requirement could be imposed. Mr Till explained that the Planning Inspector considered that the indicative layout and site parameters provided

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with the application fulfilled the master plan requirement for an outline planning application. This could therefore be considered as the master plan.

Councillor Macro followed this by querying whether the site layout would remain unaltered at the reserved matters stage. Mr Till responded by referring to Condition 6: Details of scale and layout (as revised in the update sheet). It had been amended to state that 'The details of scale and layout to be submitted under Condition 2 shall accord with the parameters shown in the submitted plans. This was a change from the original wording which stated '... shall **generally** accord...'

Councillor Webster noted from the report that the overage clause had been recommended by the Council's independent valuer and she queried whether the proposed removal of this clause was based on a revised viability assessment. Mr Till confirmed that this was not the case. Officers considered that an increase to 25% affordable housing was a significant uplift. It was felt that a revised viability assessment would come with an additional cost and with little extra purpose. The Officer view was that the proposal before Members offered the best deal available.

Councillor Webster pointed out that 25% affordable housing was still 15% below the level set by the Council. She then queried, if the overage clause was removed, if any certainty could be offered that the applicant would not return with a further planning application at a later stage which cited viability concerns and which sought to reduce the 25%. Mr Till explained that no certainty could be given on this point. However, the Planning Inspectorate's appeal decision did accept the requirement for both the affordable housing requirement and the overage clause, and this could be a reference point for future viability discussions should this become necessary.

Councillor Graham Pask followed this by asking, should an application come before Committee in future which sought a reduction to the 25% affordable housing, whether there would be a requirement at that time for a full viability report to support that case. David Pearson responded to this point by advising that the reasonableness of any such request would be the first consideration and on that basis a new viability assessment had not to date been sought. He added that the applicant had presented a well-made case to adjust the affordable housing. This outlined the view from the applicant that the development could be brought forward in the relatively near future for a site that had been awaiting development for around 15 years. If the item was deferred or a new viability assessment requested then delays would continue. The developed site would clearly benefit West Berkshire's housing provision numbers.

Mr Pearson concluded by stating that a very good viability argument would need to be put forward by the applicant before any new application was put before the Planning Committee.

In response to a query from Councillor Webster, Gareth Dowding confirmed that the highways modelling did take into account plans from the Royal Berkshire Fire and Rescue Service to develop a new fire station on Wigmore Lane in Theale.

### **Portfolio Holder for Adult Social Care (ASC) Representation**

Councillor Bridgman, speaking as Portfolio Holder for ASC, raised the following points:

- He commented that successful marketing was a matter of price.
- The extra care housing provision had been described as windfall. However, permission had been granted by the Planning Inspectorate at appeal.
- There was no needs based assessment as ASC had not had the opportunity to investigate this. He agreed with the point raised by Councillor Jaques that

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consultation with ASC should have taken place at an earlier stage in the process (as highlighted at the time by Councillor Macro).

- The points made by Planning Policy did not take account of the ASC Market Position Statement.
- Councillor Bridgman had recently discussed this matter with the Head of ASC and Councillor Bridgman proposed that a decision on the planning application be deferred to enable ASC to respond properly with data and evidence as to the need for extra care housing.
- An e-mail exchange which followed between Councillor Bridgman and the Head of ASC, contained in the update report, highlighted that:
  - the development of further extra care housing would be an appropriate response to West Berkshire's ageing population and was a longstanding intent set out in the ASC Market Position Statement;
  - there was no extra care offer in West Berkshire which was east of Thatcham;
  - extra care housing schemes helped to avoid unnecessary care and would assist the Council as the development of extra care housing would support the Council in complying with its duties regarding choice;
  - ASC was open to a range of measures which might make the provision of this extra care housing scheme more appealing such as flexibility regarding the age of tenants. In addition, ASC was open to a mixed offer incorporating a shared ownership model.
- Councillor Bridgman then referred in more detail to the 2015 ASC Market Position Statement. Its purpose was to set out the Council's vision for care and support services in West Berkshire, and to set out the Council's intentions as a strategic commissioner of services.
- The Council needed to respond to the requirements of the Care Act 2014 to meet the needs of an ageing population and promote choice in a challenging financial climate. The predicted increase in the proportion of the population who would be aged over 65 in the next ten years would have significant implications for West Berkshire in the commissioning of health and ASC services.
- The Market Position Statement served to communicate the commissioning intentions for West Berkshire and to engage with the care and support market on how best to achieve those intentions. A key aim was to enable an improved understanding of the existing and future development of the local ASC services market. This was particularly important given the rapidly altering and challenging environment for ASC.
- Extra care had been highlighted as a viable long term accommodation option for the ageing population. It enabled people to have their own tenancy and front door with care support when required. This arrangement provided increased independence for people and a lower cost to the local authority than residential or nursing care provision. There were currently three extra care developments in the district; Alice Bye Court in Thatcham, Audrey Needham House in Newbury and Redwood House in Hungerford.
- There was a recognised requirement for more extra care provision in the district and preference was for provision in the east of the district. Development opportunities might present themselves as part of the HSA DPD and ASC would be happy to discuss potential sites with developers. Minimum provision was for 45 units – a

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requirement to ensure viability, with shared ownership opportunities as well as rented provision proving very popular tenure choices.

- Councillor Bridgman did not accept the argument that the Council had not asked for extra care housing from the outset. The reason for this was as already highlighted, i.e. a lack of prior consultation with ASC. He explained that a waiting list had not been kept for a service which did not exist.
- Councillor Bridgman repeated his proposal for the item to be deferred in order to give ASC time to pull together supporting data/evidence. This would include information on residential care placements and higher cost domiciliary care packages in the east of the district compared to those in place across the remainder of West Berkshire. A greater understanding could also be established of residents in extra care housing in order to identify from where they originated.
- Councillor Bridgman felt that the supporting data could be produced by ASC over the next couple of weeks.

### **Debate**

Councillor Pask fully noted the points raised by Councillor Bridgman. However, he queried their relevance in planning terms. A decision had to be based on planning law and planning grounds.

Mr Pearson responded by agreeing that the provision of both affordable housing and extra care housing was very desirable. The Planning Policy Team had commented on the level of need and pointed out that there was a requirement for clear evidence to support a decision to insist on the provision of extra care housing. This evidence was available from Housing Officers for affordable housing and the applicant had put this case forward. However, ASC could not do likewise for extra care housing at this point in time and a deferral would be necessary to obtain this data.

If the application was deferred and ASC made a case for extra care housing, the applicant's position would be unchanged on the likelihood of being unable to sell the site. The applicant could also lodge an appeal on the grounds of non-determination.

Mr Pearson felt that this application presented the most sensible choice in the circumstances, but Members could take the decision to defer their decision. However, the same arguments would likely be made by the developer when the application returned to the next meeting.

Councillor Pamela Bale noted from the report that many Council service areas had been consulted on the application, but, as already noted, this did not initially include ASC. She asked when this consultation took place. Mr Till reiterated that this took place when the matter was raised by Councillor Macro that ASC had not been consulted and might want to comment. The Head of ASC was then consulted and comments were received.

Mr Till again made the point however that the extra care housing need was not identified by the Council, it was brought forward by the applicant. Therefore, Officers took the view that initial consultation with ASC was not necessary. Mr Pearson added that this revised scheme was a better fit with planning policies than the already permitted scheme and was a good alternative. Proof of the extra care housing need was not available from ASC, however he accepted that, with hindsight, ASC should have been consulted at an earlier stage and he apologised for that omission.

Councillor Bridgman reported that ASC faced enormous pressures, as evidenced by the ASC Market Position Statement. The service was not given the opportunity to comment

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at the same time as Housing and this should have been the case. He therefore wanted ASC to be given additional time to evidence need, hence the proposed deferral.

Councillor Webster queried how the removal of the overage was highlighted in the report. The removal of condition 31 only stated the age restriction. Mr Pearson advised that this would be addressed through the Deed of Variation.

Councillor Pask stated that the Planning Committee needed to take account of all available evidence before them. He was concerned that deferral could place an unfair requirement on the applicant and queried if this could be appealed. As explained by the agent, the applicant had already sought to market the site for extra care housing.

Mr Pearson repeated that if deferred, the applicant could lodge an appeal on non-determination of the planning application. In his view, there was sufficient information available to enable the Committee to determine the application at this meeting. This application was more compliant with Planning Policy. However, he did understand Councillor Bridgman's concerns and his request for further time to enable more detailed ASC input.

Councillor Webb did not support the proposed deferral. As outlined in the update report, ASC did not currently have the data available to evidence the need for extra care housing. In addition, as had been explained, the applicant had not been able to market the site for extra care provision. He agreed with the Planning Officer that there was sufficient information available on which to determine the application.

Members then turned to Councillor Bridgman's proposal to defer the application. This was seconded by Councillor Webster. If this was approved, the application would need to return to Committee at its meeting on 16 January 2019 at the very latest.

At the vote the proposal to defer the application was rejected.

Councillor Richard Crumly supported the points made by the Planning Officer. He agreed that if the item was deferred then the Committee would be faced with the same arguments on the next occasion. Councillor Crumly explained that the Committee's debate had helped him form a clear view that the site should be developed as proposed in this application. He continued by stating the view that a strong recommendation to approve the application had come from Officers and he proposed conditional acceptance of the planning application.

The proposal was seconded by Councillor Webb. Councillor Webb commented that a clear positive of this application was the affordable homes gain that would be achieved.

Councillor Bridgman again expressed his disappointment that ASC were not liaised with at the same time as Housing Officers. He sought assurance that ASC would be engaged with in this way/at the appropriate time for relevant future applications.

Councillor Bridgman then referred to the wording of condition 31. If planning permission was granted and this condition removed then the age restriction would be lifted, but there was nothing to specify that the extra care units would no longer form part of the application. He therefore queried, based on this, if the extra care units would remain but with no age restriction on their occupants. Mr Pearson acknowledged that the description text had been shortened in the report. However, the Deed of Variation would clearly state that the 70 extra care units would be removed and replaced by up to 50 flats.

Councillor Webster remained concerned at the proposal to approve this application and was not supportive. She felt that housing for older people was no less important than the provision of affordable housing and there was a risk in not providing sufficient extra care housing. This site had been approved for extra care housing which would help older



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people to remain living in their own community for a longer period. This type of development was needed.

**RESOLVED that** subject to the completion of a Deed of Variation to the legal agreement associated with planning permission APP/0340/W/16/3159722 to secure provision of 25% of the housing on site as affordable housing within three months from the resolution date (or any longer period as agreed in writing and authorised by the Development Control Manager) to delegate to the Head of Development and Planning to grant planning permission subject to the conditions listed below.

OR

If a Deed of Variation to the legal agreement associated with appeal permission APP/0340/W/16/3159722 is not completed within the above specified time, to delegate to the Head of Development and Planning to **REFUSE PLANNING PERMISSION** for the reason listed below:

“Refusal Reason S106 Planning obligation

The application fails to provide a Deed of Variation to the Section 106 Planning Obligation associated with permission APP/0340/W/16/3159722 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.”

### **Conditions**

#### **1) Phasing plan**

No development shall take place until a phasing plan, showing how the development is to be divided into phases, has been submitted to the local planning authority and approved in writing. The phasing plan shall also include details of the number of dwellings (including affordable housing units), and the amount of public open space, to be provided within each phase.

Reason: In order to confirm the manner in which development of the site is to be brought forward, in accordance with the National Planning Policy Framework 2018 and Policies CS5, CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012

#### **2) Reserved matters**

Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters"), relating to each phase of the proposed development, shall be submitted to the local planning authority and approved in writing before any development within that phase takes place. The development shall be carried out in accordance with the details thus approved.

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**

Application for approval of the reserved matters, for the first phase of the development, shall be made to the local planning authority not later than 3 years from the 15<sup>th</sup> March 2017, that being the date of approval of planning permission APP/W0340/W/16/3159722.

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Application for approval of the reserved matters for all subsequent phases shall be made not later than 5 years from the 15<sup>th</sup> March 2017.

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) Commencement of phases**

The development of each phase shall be commenced not later than 2 years from the date of approval of the last of the reserved matters for that phase to be approved.

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).

### **5) Primary vehicular access details**

The first reserved matters application shall include details of the primary vehicular access for the site as a whole, which shall be from the existing access point to the west of No 41 The Green. The access shall be laid out and constructed in accordance with these details.

Reason: In order to ensure that, in the event of a phased development, site access to the whole site is determined from the outset, in the interests of highway safety. This condition is recommended in accordance with the National Planning Policy Framework 2018, Policy CS13 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

### **6) Details of scale and layout**

The details of scale and layout to be submitted under Condition 2 shall accord with the parameters shown in the following submitted plans:

- Building Heights and layout Parameter Plan 30716 A-02-01 Revision P-00 dated November 2018, and;
- Indicative Site Layout – Substitution of 50 x Flats for 70 x Extra Care Units; Drawing number 30716 A-02-111 P-00 dated November 2018.

Reason: These parameter plans fix the maximum extent and height of the development. Full compliance is necessary to ensure that the development would not have an unacceptable landscape and/or visual impact on the surrounding area, and to ensure that the development would safeguard the living conditions of neighbouring properties. This condition is recommended in accordance with the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

### **7) Construction Environmental Management Plan**

No work on any phase of the development shall take place until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the CEMP shall be adhered to throughout the construction period. The statement shall provide for:

- Temporary construction access arrangements to the site, including any temporary hard-standing and wheel washing facilities;

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- Parking arrangements during construction;
- Loading and unloading arrangements for construction plant and materials;
- Storage arrangements for construction plant and materials, including measures to prevent any such storage within 10m from the banks of the lake;
- A signage strategy for a preferred haul route for construction vehicles;
- A lighting strategy for the construction phase;
- Erection and maintenance of security hoardings including any decorative displays and facilities for public viewing;
- Measures to control the emission of dust and dirt;
- Hours of work for construction operations;
- A scheme of precautionary measures to protect reptiles during site clearance works;
- A scheme of ecological and environmental mitigation during construction.

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. This condition is recommended 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).

### **8) Piling method statement**

No piling or any other foundation construction using penetrative methods shall take place other than in accordance with a piling method statement, which shall have been submitted to and approved in writing by the Local Planning Authority. Any such method statement shall include:

- details of the depth and type of excavation or penetration, and the method by which this is to be carried out;
- evidence that there would be no resultant unacceptable risk to groundwater, or to any underground water utility infrastructure;
- measures to prevent damage to any subsurface water infrastructure or underlying ground or controlled waters;
- a programme for the necessary works.

Reason: The piling solution has not been given in the Phase II report. Given the potential for some residual hydrocarbon contamination to exist on site, piling can mobilise these contaminants. Groundwater monitoring is proposed in the report during the piling phase. The EA ask to be consulted on any details submitted in compliance with this condition. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **9) Off-site highway works**

No more than 100 dwellings in total shall be occupied until a scheme of off-site highways works has been carried out in accordance with details to be submitted to the Local Planning Authority and approved in writing. The scheme shall provide for the following:

- Improvements to the two bus stops on The Green, adjacent to the existing site access, including enclosed bus shelters, high kerbing, relocation of the eastbound

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bus stop, and widening of the footway to the westbound bus stop to 2 metres in width;

-A new pedestrian and cycle route from the south-eastern corner of the site to Station Road, running parallel and adjacent to the A4;

-A new pedestrian crossing facility at Station Road, in close proximity to the end of the aforementioned pedestrian and cycle route.

Reason: In order to secure off site highway works required in order to mitigate the impacts of development on the local highway and public transport network and secure improvements necessary to facilitate sustainable transport associated with the development in accordance with the National Planning Policy Framework 2018, Policy CS13 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy TRANS 1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

### **10) Implementation of 'Framework Travel Plan'**

The 'Framework Travel Plan' dated January 2016, submitted with the application, shall be implemented in full. No dwelling shall be occupied until the date 6 months after a Travel Plan implementation timetable has been submitted to the Local Planning Authority and approved in writing. The implementation timetable shall specify the programme for bringing into effect each of the measures within the Travel Plan, including the appointment of a Travel Plan Co-ordinator, and the arrangements for future monitoring and review. The Travel Plan and implementation timetable shall thereafter be adhered to as agreed.

Reason: To comply with the National Planning Policy Framework 2018 and Policy CS13 of the West Berkshire Core Strategy (2006-2026), which require all developments which generate significant amounts of movement to provide a travel plan. This condition is recommended to ensure the development reduces reliance on private motor vehicles, in accordance with the aforementioned policies and Policy LTP SC1 of the Local Transport Plan for West Berkshire (2011-2026).

### **11) Estate roads, footways and turning spaces**

The details of access and layout to be submitted under Condition 2 shall include provision for all necessary estate roads, footways, turning spaces, and vehicle parking. No dwelling shall be occupied until these facilities serving that dwelling have been laid out, surfaced, and brought into use, in accordance with the approved details. The estate roads, footways, turning spaces, and vehicle parking areas shall thereafter be kept available for these purposes at all times.

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

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### **12) Cycle parking/storage**

The details of access and layout to be submitted under Condition 2 shall include provision for the parking and storage of cycles. No dwelling shall be occupied until the cycle parking and storage facilities for that dwelling have been provided in accordance with the approved details. The cycle parking and storage facilities shall thereafter be kept available for this purposes at all times.

Reason: To encourage the use of cycles in order to reduce reliance on private motor vehicles. This condition is recommended in accordance with the National Planning Policy Framework, 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) Refuse storage**

The details of access and layout to be submitted under Condition 2 shall include provision for the storage of household refuse. No dwelling shall be occupied until the refuse storage facilities for that dwelling have been provided in accordance with the approved details. The refuse storage facilities shall thereafter be kept available for this purposes at all times.

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

### **14) Contamination risk assessment**

No work on any phase of the development shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
- ii) the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - ground waters and surface waters;
  - ecological systems; and
  - archaeological sites and ancient monuments.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted

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with the application. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **15) Contamination remediation**

No work on any phase of the development shall take place where (following the risk assessment) land affected by contamination is found within that phase which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before the relevant phase of development is occupied.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. The approval of this information is required at this stage because insufficient information has been submitted with the application. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **16) Unforeseen contamination reporting and risk assessment**

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before any work on the relevant phase of the development is resumed.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **17) Monitoring of remediation**

No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for reporting on each monitoring stage. The approved scheme shall be

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implemented, and the reports produced as a result, shall be submitted to the local planning authority in accordance with the agreed timetable.

Reason: To ensure the site is suitable for its new use taking into account ground conditions, including from pollution arising from previous uses. This condition ensures that the implemented remediation measures are effective. This condition is recommended in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **18) Landscape and Ecological Management Plan**

No development shall take place until the following have all taken place:

- (i) a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority;
- (ii) any pre-development requirements within the LEMP have been carried out;
- (iii) and a contract has been let for the management, monitoring, reporting and supervision of the LEMP.

Thereafter, the LEMP shall be fully implemented in accordance with the approved details. The LEMP shall cover all of the land within both the red and blue areas shown on Plan No.30716 A-02-000 (Revision P-00), and as a minimum, shall include the following:

- detailed creation and management prescriptions for the meadows, lake edges, and woodland areas, for a period of 25 years;
- provision for implementing the measures and actions recommended in the following reports, submitted with the application: Section 6 of the Survey of Invertebrate Interest by David Clements Ecology Ltd and dated September 2015; Sections 4.12 & 4.14 of the Ecological Appraisal by Richard Tofts Ecology Ltd and dated September 2015; and Section 4.9 of the Bat and Reptile Surveys by Richard Tofts Ecology Ltd and dated October 2015;
- identify the measures to be taken in the event that any reptiles are encountered during site clearance or construction;
- detailed proposals for the eradication of Japanese Knotweed, including a timetable for implementation of such measures;
- procedures for monitoring, reporting and review, at intervals to be agreed.

Reason: The invertebrate survey report by Davis Clements Ecology Ltd makes clear in paragraph 5.1 that “virtually all the terrestrial habitats which are of value to invertebrates, including all of the present neutral grassland and short-turf vegetation would be lost”. In paragraph 5.5.3 it says that “The proposed layout will inevitably result in the loss of those habitats which are considered to be of greatest value to invertebrates”. Mitigation is therefore required, and the land within the blue line can perform this function. This condition is recommended to ensure the protection of species with statutory protection, and in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **19) Tree felling bat surveys requirement**

No tree on the site shall be felled until a further bat survey of that specific tree has been carried out, and a report submitted to and approved by the Local Planning Authority in writing. Thereafter, any such felling shall be carried out only in accordance with those approved details, including any necessary mitigation measures.

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Reason: This condition is recommended to ensure the protection of species with statutory protection, and in accordance with the National Planning Policy Framework 2018 and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **20) Biodiversity-related lighting survey**

No dwelling shall be occupied until a biodiversity-related lighting strategy for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy for each phase shall identify those areas that are particularly sensitive for bats, and any measures necessary to minimise and mitigate the impact of lighting on them. All external lighting shall be installed in accordance with the details thus approved, and shall thereafter be maintained in accordance with those details. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no other external lighting (except that expressly authorised by this permission) shall be installed, without the written approval of the Local Planning Authority.

Reason: This condition is recommended to ensure the protection of species with statutory protection, and in accordance with the National Planning Policy Framework 2018 and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

### **21) Tree protection**

No work on any phase of the development shall take place until tree protection fencing relating to that phase has been erected in accordance with the details shown on drawing no. 8301/02 and in the arboricultural report by Ian Keen reference AP/8301/AP. Notice of commencement shall be given to the Local Planning Authority at least 2 working days after the erection of the protective fencing, and before any development takes place. The fencing shall be retained for the full duration of the building and engineering works within that phase. Within the areas thus protected, there shall be no excavation, alteration to ground levels, storage of materials, or other construction-related activities of any kind, except with the prior written approval 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. This condition is recommended in accordance with the National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

### **22) Access, roadways, hard surfacing, drainage and services details (tree protection)**

No work on any phase of the development shall take place until details of the proposed access, roadways, hard surfacing, drainage and services for that phase have been submitted and approved in writing by the Local Planning Authority. Such details shall show how harm to the tree roots within the protected zones is to be avoided. The development shall be carried out in accordance with these approved details.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. This condition is recommended in accordance with the



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National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

### **23) Arboricultural Method Statement**

No work on any phase of the development shall take place until an arboricultural method statement for that phase has been submitted to the Local Planning Authority and approved in writing. 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. The development shall be carried out in accordance with these approved details.

Reason: To ensure the protection of the existing trees to be retained during building/engineering operations. This condition is recommended in accordance with the National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

### **24) Arboricultural Watching Brief**

No work on any phase of the development shall take place until an arboricultural watching brief for that phase has been secured, in accordance with a written scheme of site monitoring, which has first been submitted to the Local Planning Authority and approved in writing. Thereafter, site monitoring shall be carried out in accordance with these 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. This condition is recommended in accordance with the National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

### **25) Surface water drainage scheme**

No work on any phase of the development shall take place until a surface water drainage scheme has been submitted to the Local Planning Authority and approved in writing. The scheme shall incorporate 'sustainable urban drainage' (SUDS) methods and attenuation measures, to restrict run-off from the site to no more than the equivalent greenfield rate, based on a 1 in 100 year storm plus 30% for possible climate change. The scheme shall also include measures to prevent any contamination from entering the soil or groundwater. It shall also provide a SUDS management and maintenance plan for the lifetime of the development, and a timetable for implementation. The surface water drainage scheme shall thereafter be carried out as approved, and no dwelling shall be occupied until the relevant surface water infrastructure serving that dwelling has been installed and brought into operation. Thereafter, the surface water drainage system shall be retained and maintained in proper working order.

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 recommended in accordance with the National Planning Policy Framework, Policy CS16 of the West

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Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

### **26) Programme of archaeological work**

No work on any phase of the development shall be commenced until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation that has been approved by the Local Planning Authority in writing.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is recommended in accordance with the National Planning Policy Framework and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

### **27) Measures to limit externally generated noise**

The details to be submitted under Condition 2 shall include any measures necessary to limit externally generated noise to the following maximum levels:

-Rear gardens: LAeqT 55 dB

-Living rooms: LAeqT 35 dB

-Bedrooms: LAeqT 30 dB

LAm<sub>ax</sub> 45 dB

No dwelling shall be occupied until details showing how these levels will be achieved have been submitted to the Local Planning Authority and approved in writing.

Reason: In order to protect the amenity of future occupants of the development from externally generated noise in the surrounding area. The noise assessment highlights high existing noise levels from traffic associated with the A4 and other road infrastructure, and the need for noise mitigation measures to protect residential amenity (internal and external areas) and communal open spaces. Nearby industry objected to the previous appeal (reference APP/W0340/W/16/3159722) unless noise mitigation is provided, and these objections are considered equally applicable to the permission hereby granted. It is suggested that relevant standards could be achieved by considering the orientation/location of buildings, as well as the installation of acoustic glazing and ventilation, and noise barriers (fences) where appropriate. Standards to be met and mitigation measures will need to be agreed with the LPA prior to commencement of the development. A 'good' standard for bedrooms and living areas (BS8233) is to be encouraged. This condition is recommended in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS6 of the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).

### **28) Plant/machinery/equipment associated with new buildings noise restriction**

Noise from the use of plant, machinery or equipment, attached to or forming part of any building, shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality), when measured according to British Standard BS4142, at a point one metre external to the nearest noise sensitive premises.

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Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area. It is necessary to make sure that residents do not suffer excessive noise from, for example, ventilation systems associated with the apartments. This condition is recommended in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policy OVS6 of the West Berkshire District Local Plan 1991 to 2006 (Saved Policies 2007).

### **29) Foul water drainage scheme**

No work on any phase of the development shall commence until a detailed scheme of foul water drainage has been submitted to the Local Planning Authority and approved in writing. No dwelling shall be occupied until the foul drainage infrastructure to serve that dwelling has been installed and brought into operation in accordance with the approved details.

Reason: The development may lead to sewage flooding without a scheme of works to ensure that sufficient capacity is made available to cope with the new development. This condition is recommended at the request of the statutory undertaker, Thames Water, in order to avoid adverse environmental impact upon the community, and in accordance with the NPPF, and Policies CS5 and CS16 of the West Berkshire Core Strategy (2006-2026).

### **30) Provision of fire hydrants**

No dwelling on any phase of the development shall be occupied until fire hydrants to serve that phase have been installed in accordance with details to be submitted to the Local Planning Authority and approved in writing.

Reason: Royal Berkshire Fire and Rescue Service advise that at present there are no available public mains in this area to provide a suitable water supply in order to effectively fight a fire. RBFRS would therefore request that part of any planning consent terms include the requirement for the applicant to provide suitable private fire hydrant(s), or other suitable emergency water supplies to meet RBFRS requirements. This condition is recommended in the interests of public safety and in accordance with the National Planning Policy Framework.

## **39. Appeal Decisions relating to Eastern Area Planning**

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

## **40. Site Visits**

A date of 12 December 2018 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 19 December 2018.

*(The meeting commenced at 6.30pm and closed at 7.42pm)*

**CHAIRMAN** .....

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