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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, 3 AUGUST 2022

Councillors Present: Graham Pask (Chairman), Alan Macro (Vice-Chairman), Alan Law, Tony Linden, Geoff Mayes, Richard Somner, Keith Woodhams, Graham Bridgman (Substitute) (In place of Ross Mackinnon) and Nassar Hunt (Substitute) (In place of Jeremy Cottam)

Also Present: Michael Butler (Principal Planning Officer), Bob Dray (Development Control Team Leader), Tom Dunn (Principal Policy Officer), Paul Goddard (Team Leader - Highways Development Control) and Donna Toms (Planning Officer)

Apologies for inability to attend the meeting: Councillor Jeremy Cottam and Councillor Ross Mackinnon

PART I

12. Minutes

The Minutes of the meeting held on 13 July 2022 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

- For Item 4(2), all references to Lucy Chopping should be replaced with Lucy Jones.

13. Declarations of Interest

Councillor Alan Macro declared an interest in Agenda Item 4(1), but reported that, as his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

14. Schedule of Planning Applications

(1) Application No. & Parish: 22/00146/RESMAJ Lakeside, The Green, Theale

(Councillor Alan Macro declared a personal interest in Agenda Item 4(1) by virtue of the fact that he knew some of the objectors and he also lived around 100m from the site. 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.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00146/RESMAJ in respect of a Section 73 application for variation of condition 2 (to allow for 9 dwellings), condition 3 (vary the phasing plan), condition 4 (materials), condition 9 (levels), condition 11 (landscaping), condition 14 (vehicle parking & turning), following grant of planning permission 20/00663/RESMAJ - Approval of reserved matters application for phase 1 (of the development, which was for 7 dwellings located off St Ives Close, details include access, appearance, landscaping, layout and scale) following Outline Permission Allowed on Appeal 15/02842/OUTMAJ (APP/W0340/W/16/ 3159722) – Outline application for Residential development of up to 325 houses and apartments (including 70 extra-care units) with associated access, parking, amenity space and landscaping. All matters reserved.

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Mr Michael Butler (Principal Planning Officer) introduced the item which took account of all the relevant policy considerations and other material planning considerations.

In accordance with the Council's Constitution, Ms Zoe Fenwick, Theale Parish Council representative, and Ms Sylvia Fowler, objector, addressed the Committee on this application.

Parish Council Representation

Ms Fenwick in addressing the Committee raised the following points:

- Theale Parish Council had objections to raising the number of houses from seven to nine, on the basis that it would change the character of the existing St Ives Close development – the 11 existing dwellings were mostly bungalows and the new dwellings would effectively be three storey houses.
- Residents in St Ives Close and Volunteer Road would be overlooked.
- There would be a 25-30% increase in traffic. St Ives Close was a small road with limited parking and there were already concerns about refuse vehicles being able to access the site adequately. Issues experienced by residents and refuse / utility vehicles would be exacerbated by the increased traffic.
- The Parish Council had concerns about drainage and impacts on the environment as a result of removal of trees, bushes and vegetation required to deliver the required changes to the road layout.
- The site was significantly higher than St Ives Road and the Parish Council was concerned about the impact of works to address this.

Member Questions to the Parish Council

There were no questions of clarification for the Parish Council.

Objector Representation

Ms Fowler in addressing the Committee raised the following points:

- She lived in a property on Volunteer Road that backed onto the site.
- Under the approved plan for seven houses, there would be only one house adjacent to her property, which would be side-on with no facing windows and a large garden. However, under the new application for nine houses, there would be two properties backing onto her property with windows overlooking her garden and much smaller gardens.
- The proposed houses would be very high and would have a detrimental impact, blocking light and devaluing her property.
- She asked the Committee to take account of the impact of the proposal on the residents of Volunteer Close.

Member Questions to the Objector

Members sought clarification about the orientation of the nearest property under the approved layout. It was confirmed that under the approved permission, there would be one property that would be side-on with one obscured glazed window on the first floor. Under the new application there would be two properties that would back onto the properties on Volunteer Road with multiple windows at first floor level and in the roof.

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Ward Member Representation

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

- He knew the site well.
- There was outline permission for up to 325 homes with permission granted for seven homes in Phase 1.
- There were several differences between this application and the approved one:
 - All houses in the new application were 2.5 storeys rather than 2 storeys.
 - There were eight five-bed homes and one four-bed home in the new application, while the approved application had just one five-bed home.
 - The property known as The Ramblers would have three houses backing onto it and one sideways on, which would be much closer than in the previous scheme.
 - There were two properties backing onto properties in Volunteer Road compared to one that was sideways on in the approved scheme.
 - The new application also had three houses backing onto the bungalow on the west side of St Ives Road and the new property at the end of The Green.
- Although the proposal met the Council's parking standards, the standards only went up to homes with three bedrooms, while most of the proposed dwellings in this application had five bedrooms. Also, standards were only achieved by including visitor spaces on the public highway. Most properties had tandem parking layouts and one had three inline spaces, which was impractical and the police had expressed concerns about possible tension between neighbours.
- The Drainage Officer report highlighted 17 outstanding issues, including:
 - No possibility of swales for sustainable drainage.
 - Proposed soakaways would be inappropriate due to the high water table.
 - Concerns about drainage into the lake, which had no outlet.
- The parking and drainage concerns suggested that there was too much development proposed for the site.

Questions to the Ward Member

Members noted the police's concerns about potential conflict arising from the proposed parking layout, but suggested that any disputes would be between the occupants of individual homes rather than between neighbours. Councillor Macro felt that residents of five-bedroom homes would have more than two or three cars, and occupants would find the parking arrangements impractical and would use the visitor spaces instead.

A question was asked about whether Councillor Macro would have had a different view if he had not seen the previous application for seven homes. Councillor Macro indicated that his view would be the same – that the developer was trying to squeeze too much onto the site.

Clarification was sought regarding the location of the visitor spaces. These were shown on the plan between the houses and lake. Councillor Macro suggested that there may be conflict with the bin collection point.

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Questions to Officers

Members challenged whether this was a minor amendment and whether a Section 73 application was appropriate. It was confirmed that a Section 73 application could be used to change the conditions on a consent and make material minor amendments. The scope of a Section 73 application would only be exceeded if it fundamentally changed the description of a development. The description of the development related to the outline consent for up to 365 dwellings. However, it was acknowledged that the balance of the housing mix across the site was part of the debate.

Members asked about the comments from Thames Valley Police. Officers were surprised by the comments on parking arrangements, since they had not received similar comments before, and tandem parking layouts were commonplace. Officers did not agree that there would be disputes between neighbours, since parking for each household would be within the property's curtilage. Regarding the comments on natural surveillance, it was explained that this was usually achieved by roads being overlooked by the fronts of properties. Officers were surprised by the comment, and indicated that they would struggle to substantiate this as a reason for refusal.

It was queried whether the developer was using the visitor spaces to meet the Council's parking standards, since eight of the properties only had two spaces. It was confirmed that if properties had car ports rather than garages, then they would count as a parking space. Also, it was highlighted that parking standards only covered dwellings with up to four bedrooms and required up to three spaces to be provided. Since Plots 1-3 only had two spaces, they were reliant on the visitor spaces to provide the third space. The Highways Authority could not object to this, since the Council had no standard for visitor spaces for houses (only flats) and overall there was sufficient parking within the site.

Members queried whether the properties had garages rather than car ports. It was confirmed that they were garages and not car ports as originally thought. Since garages were not counted as parking spaces, all of the visitor parking spaces would be used as third parking spaces for the properties, but officers considered that the proposal still complied with the parking standard. This was challenged by Members who noted that there were just 24 spaces on the site, but the parking requirement according to Policy P1 was for 27 spaces. Officers subsequently agreed that there was a shortfall of up to three spaces. It was proposed that this could be addressed via an amendment to Condition 14 to say that parking would be in accordance with details to be submitted, and to seek an amended layout with three spaces for each dwelling. It was noted that there was capacity within the site subject to landscaping considerations. Alternatively, an additional condition could be introduced to make each garage a car port by removing permitted development rights for front doors or seeking amended plans.

A question was asked about access for refuse / utility vehicles. It was explained that the current access was a private street, but the applicant had freehold ownership within the red line shown on the access plan, and the road would be made up to adoptable standard, with improvements to the width and alignment. It was noted that refuse trucks currently reversed down St Ives Road, but the proposed layout would permit them to turn round.

It was suggested that two of the properties could be used as six bedroom homes. Officers noted that there was an extra room that was labelled as a study / store. If this room was to be used as a bedroom by the occupant, that did not constitute development and so could not be controlled by condition.

Concern was expressed that the site was not at the correct level to access the existing foul drainage system. It was explained that Thames Water had raised no objections and

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there was a condition about finished floor levels that could address this point. Members noted that Thames Water had not responded. Officers confirmed that they had been consulted. It was explained that they were unlikely to object since they had a duty to make connections and would have to accommodate the increase from seven to nine dwellings. They would be more interested in phasing and this would be covered by the outline conditions.

Members also challenged whether additional rooms should be considered as bedrooms whether all properties would have sufficient amenity space given their number of bedrooms. It was explained that the Council's standard was a minimum of 100m² for dwellings with three or more bedrooms. It was confirmed that all properties exceeded this standard. Buyers would decide whether they were happy with the amenity space. It was also pointed out that future phases of the development covered by the extant permission would have higher densities, which would make it difficult to refuse this application on the grounds of overdevelopment.

Debate

Councillor Alan Law expressed frustration with developers submitting applications with additional development beyond that covered in the original outline permissions. In this case, he felt that the consequences had not been considered in terms of parking and it did not meet the Council's parking standard. He had been minded to oppose the application on the grounds of overdevelopment, but recognised that there was adequate space within the site, and the Council would be likely to lose at appeal if they were to refuse it on that basis. He proposed to refuse the application on the basis that it did not comply with the adopted parking standard. This was seconded by Councillor Graham Bridgman.

Councillor Richard Somner indicated that he was minded to support the officers' recommendation, but only on the basis that the parking issue was resolved. He recognised that the developer wanted to provide luxury properties in a wonderful setting. He did not feel that the developer would remove two houses to address the parking shortfall. He suggested that the Committee should not come up with solutions for the developer, but should look at the application as submitted.

Councillor Graham Bridgman expressed surprise that a luxury six bedroom house was proposed with only just over 100m² of amenity space. However, he agreed that if it were not for the parking issue, the Committee would have difficulty in refusing the application. He noted that the parking policy was explicit and if it had been an application for a single property, it would not have got to committee. He agreed with Councillor Law that it should be rejected because it did not meet the parking standard.

Councillor Alan Macro suggested that if the visitor parking area was to be expanded, it would have landscaping implications, and would negatively affect the outlook from the properties. Alternatively, if the garages were converted to car ports, then this would result in three inline parking spaces on driveways, which he considered to be impractical. He felt that the proposal represented overdevelopment, but was content not to ask for this to be added as a reason for refusal. He also felt that the proposal was out of character since it featured 2.5 storey properties, while existing properties were bungalows on large plots.

Councillor Somner noted that the application was within the previously approved height range, so apart from the issue of overlooking, the Committee would be unable to refuse the application on grounds of building heights. He noted that the outline permission was for up to 325 homes, so if Phase 1 was for nine homes instead of seven, he would expect a corresponding reduction in the remaining phases.

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The Chairman expressed surprise that it was proposed for visitor spaces to be used by occupants, which would leave nowhere for visitors to park. He asked if the adopted parking standard only required visitor parking for flats. Mr Paul Goddard confirmed that was correct, but suggested that this could be amended in the next Local Plan. He noted that the developer was relying on visitor spaces to meet the parking requirement of the houses, but because they were on the public highway, they could not be allocated to individual properties. He apologised for mistakes made by officers in assessing the parking provision in relation to this application.

The Chairman could not recall another example of a small development where visitor parking had been an issue. Councillor Bridgman understood the concept of visitor parking in relation to flats, since flats had common areas around the building where parking may be allocated or shared. He also understood the concept of visitor parking in relation to houses, since occupants and visitors generally parked within the curtilage. However, in this case, visitor parking would be on the public highway outside the curtilage of the property and would be shared between the properties. He could foresee arguments between residents about the use of these spaces. He felt that future parking standards should be explicit about the number and location of visitor spaces.

Councillor Law noted that the standards were changed in 2016. He stated that the Local Plan was in its final draft and asked Mr Goddard to raise this with Planning Policy as a matter of urgency.

Mr Butler suggested that the sole reason for refusal should be parking, since it would be difficult to defend any other reasons at appeal.

Mr Bob Dray summarised the proposal as being to refuse planning permission on based on insufficient parking contrary to Policy P1 of the Local Plan. He also noted that there were further applications coming forward that would seek to increase the affordable housing percentage, so a deferral could be considered if Members felt that the issues could be addressed. However, he recognised the strong views of Members on this issue.

Mr Goddard observed that developers were increasingly reliant upon on-street parking to meet parking standards and he confirmed that he would take the matter up with the Planning Policy Manager.

Councillor Macro noted that if this application was rejected, then the applicant could still implement the approved proposal for seven homes.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Alan Law and seconded by Councillor Graham Bridgman to refuse planning permission. At the vote the motion was carried.

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

Reasons

The proposed development fails to comply with the Council's residential parking standards as set out in Policy P1. Under these standards, a total of 27 parking spaces are required for the housing number and mix proposed. Garages are not counted towards this total. The proposed development would have a shortfall of three. In addition, eight of the proposed houses rely on the shared use of visitor spaces within the public realm, which is considered unacceptable and likely to lead to ambiguous ownership and conflicts between neighbours. As such, the development would lead to increase likelihood of on street parking in the wider vicinity which would be hazardous to highway safety and not amount to high quality design. The application is contrary to Policies CS13

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and CS14 of the West Berkshire Core Strategy, and Policy P1 of the Housing Site Allocations Development Plan Document (HSA DPD) 2006-2026.

(2) Application No. & Parish: 21/02450/REG4 Basildon Church of England Primary School, School Lane, Upper Basildon

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/02450/REG4 in respect of redevelopment of the school grounds including new play equipment and fencing.

Mr Michael Butler (Principal Planning Officer) introduced the item which took account of all the relevant policy considerations and other material planning considerations.

In accordance with the Council's Constitution, Mr Geoffrey Couchman, Basildon Parish Council representative, Ms Ruth Cane, objector, and Ms Pam Slingsby, Ms Natasha Lee and Reverend Grant Fensome, applicants, addressed the Committee on this application.

Parish Council Representation

Mr Couchman in addressing the Committee raised the following points:

- Basildon Parish Council objected to the proposal on environmental grounds.
- The proposal would destroy an established wilding area with mature vegetation.
- The proposal also cut across the West Berkshire Environmental Strategy's vision to improve natural habitats and wilding areas.
- Existing vegetation would be removed and replaced with rubberised, safe play areas. This relied on petro-chemical manufacturing, which again had environmental issues.
- There were a number of trees on site. Two would be kept, but two or three of the less mature sycamores would be removed.
- It was strange to replace a natural environment (albeit neglected) by something that detracted from the environmental issues.

Member Questions to the Parish Council

Members asked if there was a planning policy issue with the proposal. It was noted that landowners could replace ponds, wildlife areas, trees that were not protected, etc with something else under planning rules (i.e. with no planning application required per se). It was noted that any building project would utilise building materials that had an environmental / carbon impact, but planning law did not allow such projects to be refused on environmental grounds. Members asked if the parish council could identify any planning policy grounds to refuse the application.

Mr Couchman indicated that it was not considered contrary to planning policy, but it was contrary to the adopted Environment Strategy. He quote from the strategy as follows: 'Our environmental assets will have been protected for future generations'. He noted that the school's freehold was within the Council's ownership. He also noted that there was a need to build houses, but this was a separate issue.

Objectors Representations

Ms Ruth Cane in addressing the Committee raised the following points:

- The proposed development would have adverse environmental impacts.
- Objectors were supportive of the Council's Environment Strategy, which was considered to be very forward looking and highlighted the need to engage all communities to take action to protect the environment. The Strategy also made a

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commitment to encourage children to be closer to nature and to improve the natural environment.

- Other aspects of the strategy that were considered important included:
 - Protecting the environment
 - Understanding the role of local woodland trees (the proposal would result in the loss of sycamore trees)
 - Improving diversity and wildlife
 - Protecting the environment for future generations
 - Working with residents and communities to deliver positive change
- The school referred to the proposed development as a 'forest zone'. While the school was believed to be well-intentioned, there was nothing in the proposal that bore any resemblance to a forest.
- It would use shredded rubber tyre surfacing and there were concerns about such products.
- The current wild environment provided a habitat for various wildlife and plants, which would be replaced with artificial constructions, which would not be in keeping with the character of the open field environment (Policy ADPP1).
- The proposed fire pit was considered a fire risk, and it was not clear how it could be moved when hot.
- The loss of the pond was a concern - not just the loss of rare newts.
- The objectors felt strongly that the proposal was not in line with the Council's strategic intentions and key policies.
- The school field was large and mostly laid to grass. It was perverse and irresponsible to remove the one wild area that was more than a monoculture. This was the only biodiverse part of the playground and replacing it with something as sterile as the proposed development was not sensible.
- Other sites within the school grounds had been cleared and had fallen into disuse.
- Previously, the local horticultural society had offered to maintain the wild area, but this offer had not been taken up.
- There was a small community owned wood nearby that the children had access to.
- Objectors were pleased to see proposed conditions requiring further landscaping plans.
- They had concerns that the area would be used by older children outside of school hours. They felt the area should be fenced off, since the fire pit would become a point of nuisance.
- In summary, the objectors could not see how the proposal was in line with the Council's Environment Strategy.

Member Questions to the Objector

Members noted that 'forest school' was a term for outdoor learning and asked if this was considered to be an important part of children's education. Ms Cane agreed that it was important, but she did not see how that was furthered by removal of the only biodiverse area in the school grounds. It was suggested that this area could be enhanced by

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planting fruit trees that could be used for education purposes. She proposed an unused area to the north of the school as an alternative site for the forest zone.

Clarification was sought as the negative impacts of shredded rubber surfacing. It was explained that there were potential hazards associated with toxins in the material. While it was acknowledged that this was currently considered to be OK, there was emerging evidence of unstable chemicals present in the material. It was felt unnecessary to use this material.

A question was asked about how the pond was fed and where water went when the pond was full. Ms Cane did not know about how it was fed, but noted that it appeared to be just a collecting point for water, and levels varied throughout the year. She did not know where water went when the pond was full.

Applicants Representations

Ms Natasha Lee, Ms Pam Slingsby and Rev Grant Fensome raised the following points:

- The school had requested permission to convert a small, overgrown, unusable brambled area into a forest school and den-building play area.
- A forest school would promote holistic development of children through personal, social and technical skills, supplementary to classroom learning. It would also foster resilient, confident, independent, creative learners.
- Ofsted recommended that schools evaluated the quality of learning outside the classroom in order to maximise learners' achievement, personal development and wellbeing.
- DfE guidance referred to the importance and positive research of the benefits of children learning outside the classroom, particularly those with special education and behaviour needs, as well as those who were more vulnerable and disadvantaged.
- Also, SIAM schools were encouraged to have space for outside worship.
- The project was a milestone in delivery of a varied and highly effective curriculum.
- The area would include a range of play equipment to support this.
- To support educational outcomes, there would be stepping stones, a seating area, and an area to develop core stability and motor skills, identified as an issue post-pandemic.
- A den-building area and huts would promote creative development, team building, resilience and imaginative play.
- A seating area would allow classes to be taught surrounded by nature and for acts of class / school worship.
- The school was able to use nearby community woods for some lessons, but access was limited due to staff ratios and this was not so good from a safeguarding perspective.
- Pupils had contributed to the design of the proposal.
- Two teaching staff had experience of the forest school approach.
- The proposal was supported by the parent body who had fundraised for it over the last five years.
- Other locations had been considered, but this was the preferred area, since it was currently unusable by the school.

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- The structures would be wooden. Rubberised bark chips would be used, which would be natural in appearance. These were widely used.
- All large trees would be preserved.
- Low maintenance planting would feature between the paths.
- Serious consideration has been taken of neighbours throughout the planning process and the development had been moved further into the school site, away from the boundary in response to comments received.
- The school had been given five trees by West Berkshire Council, which would be planted on the boundary of the site.
- The existing area had a man-made pond, which needed to be manually filled and had been dry for many years.
- The existing area was full of brambles and nettles and was unsightly and unsafe.
- The area was less than 100m² and was smaller than extensions of neighbouring properties.
- The development would bring significant educational benefits for the school.

Member Questions to the Applicants

Members noted that the existing pond was man-made and not fed by natural sources. They asked about the history of the pond and the wildlife it supported. The applicants stated that the pond had been redeveloped in 2006. The previous pond was a liner in the ground, but the new structure was raised and had a bridge over the top. Following changes to legislation, the area had to be fenced off and this made it difficult to maintain. Work was carried out with the Pang Valley Volunteers on two occasions to redevelop the area. The previous headteacher had not considered this to be an appropriate use of curriculum time, so the pond had fallen into disrepair. It rarely had water in it and the stopcock had to be removed, to stop it being abused by users of the footpath through the site. Historically, there had been tadpoles and frogs, but otherwise no significant wildlife.

Members sought clarification about the meaning of SIAM. Also, concerns were expressed about the potential fire risk posed by the fire pit. It was explained that SIAM was the Statutory Inspection of Anglican and Methodist Schools, which reported on the quantity and quality of worship at the school. This proposal, which included a collective outdoor worship space, was felt to be beneficial. The fire pit would be removable and the suppliers had indicated that it would cool down within two hours, after which it could be stowed away. The school allowed children to learn to manage risk and the fire pit would be controlled.

Members noted that the parish council's concerns related to the negative environmental impact of replacing a wild area and asked for more details of the wild area, what it was used for and what benefits it provided for the children. A question was also asked about plans to create wild areas elsewhere on the school site. It was confirmed that the area was very small (<100m²). It had been fenced off and was not accessible for students. It was covered in brambles and nettles and was overgrown, so it could not be utilised. It was considered to be in a useful location, next to the play area with good visibility from most of the school site. The children had access to other wild areas in the nearby community woodland and countryside.

The Rights of Way Officer's comments were noted and Members asked who would be driving on the public footpath. The public footpath passed through the school site and passed between the school building and playground. Driving was not permitted except

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construction traffic. At the front of the school, the footpath was fenced off from the staff parking area.

Members sought clarification as to what would be included in the development. It was explained that the proposal had been revised several times in response to consultation feedback. The plan titled 'Version 3' was the latest version and included shelters, amphitheatre with upright posts, weaving posts and frames.

Members asked why this location had been selected to the proposal. Discussions with Sport England had confirmed that the size of the playing field needed to be retained and the current structure needed to be removed in order to maintain tournament activities. Other possible sites included a small grassed area with surface-mounted planters, which was used by younger children. This was only about a third of the size and so would deliver limited educational benefits. The other grassed area was adjacent to the proposed site, but this already had play equipment that was higher than the proposed features. To the rear of the site was a fenced off area for the Early Years Centre – a small area behind this had been proposed by residents as an alternative site. However, this was not flat and would need significant excavation that would affect neighbouring properties. The area contained several fruit trees and was regularly maintained. There was no other suitable area in the school.

Ward Member Representation

In addressing the committee, Councillor Alan Law raised the following points:

- The site was a wild, overgrown area.
- The Parish Council and objectors had made objections on environmental grounds, but the Ecology Officer had no serious objections.
- Many of the objections related to the choice of location within the site, but the applicant had provided a clear rationale for this.
- The officers' report mentioned some conditions that did not appear in the proposed conditions list.

Questions to the Ward Member

There were no questions of clarification for the local ward member.

Questions to Officers

Members asked if the Ecology Officer had visited the site. Officers did not think that the Ecology Officer had visited the site, but the application had been accompanied by an ecological survey, which required a site visit and detailed site appraisal. This was standard practice and was considered a sufficient basis on which to make reasonable judgements.

It was queried whether paragraph 6.10 referred to the woodland hut. This was confirmed by officers.

Clarification was sought as to the comment in 6.27. It was explained that the Ecologist's preference was to retain the pond, but this did not form part of the proposal. The mitigation plan and landscaping conditions would seek to mitigate the loss of the pond. The pond had been assessed as having low ecological value, so a reason for refusal on that basis could not be substantiated.

Members noted that the boundary fence with 17 Emery Acres was lower than those of surrounding properties and asked if this could be addressed by a condition. Officers highlighted that the landscaping condition included boundary treatments.

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The terms GCN and RAMs were queried - these referred to great crested newts and reasonable avoidance measures.

Members asked if conditions were required to manage fire risk. It was explained that a moveable fire pit did not constitute development, so did not require planning permission. This would be a matter for the school and their health and safety responsibilities.

Members noted that the mitigation plan was not included in Condition 7 on Ecology. Officers indicated that Condition 4 required the Ecology Mitigation and Enhancement Plan to be agreed. Surveys were covered by Condition 5 and Condition 7 required a fresh Ecology Survey if the development did not commence within a certain time period.

Members suggested that the Construction Management Plan should be enhanced to include the part of Informative 3 about not driving on the public footpath. Officers explained that this was a standard request from the Rights of Way Team for any works close to the network. Mostly, these issues were addressed by other legislation, but officers were happy for this to be added to the condition.

Debate

Councillor Richard Somner recognised the benefits of the scheme for the children. Many local schools were in the fortunate position of being able to have forest zones where children could develop and learn outside. He recognised the logical reasons for the objections, but felt that these could be mitigated with things that the school wanted to do. Providing an area where the children were safe and were learning would lead to development and children wanting to get involved in environmental activities. This would have clear benefits both locally and for the wider area.

Councillor Graham Bridgman noted the objection of the Parish Council and objectors were on environmental grounds, which confused the roles of the Council as applicant and planning authority. The Committee's role was to consider whether the application met the Council's requirements as planning authority rather than defending the Council's environmental policies as the applicant. Also, he felt that the arguments overplayed the environmental policy aspects. The proposal was to replace a wasted area with something that would be of great benefit. He proposed to accept officers' recommendation with the amendment of conditions to ensure that the public footpath was not obstructed during construction. This was seconded by Councillor Richard Somner.

Councillor Tony Linden felt that it would be good for the community and would encourage other schools to look at similar projects. He fully supported the application.

Councillor Alan Law noted that there were two debates – one around the environmental policy aspects, which had been addressed by Councillor Bridgman, and the requirement for mitigation plans, and another around the location of the development within the site, for which there were no planning objections. He noted that there was a public right of way going through the middle of the school site and asked for an additional condition to require the existing fence to be retained as part of the landscaping. Officers were content for this to be added. This was supported by Councillors Bridgman and Somner.

Councillor Geoff Mayes expressed concern about loose rubber mulch being put over the fill in the pond. It was confirmed that the material would be bonded.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Graham Bridgman and seconded by Councillor Richard Somner to accept officers' recommendation to approve the application, but amending Condition 3 related to the Construction and Environment Management Plan to include measures to safeguard the public footpath during construction, and amending Condition 11 on Landscaping to retain the existing fence alongside the public footpath. At the vote the motion was carried.

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RESOLVED that the Service Director of Planning and Regulation be authorised to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1. Commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. Approved plans

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

- Location Plan received 27.09.2021;
- Block Plan received 27.09.2021;
- Location of proposed development received 27.09.2021;
- Details of proposed equipment received 27.09.2021;
- Detailed Floor Plan received on 02.03.2022;
- 3D Image received on 02.03.2022;
- BSK33248-10 – Open Ended House Frame received 27.09.2021;
- IF 035 - Weaving Posts received 27.09.2021;
- IF 056 - Wigwam Posts received 27.09.2021;
- Materials Details received 27.09.2021;
- QF003 – Picnic Table – Small received 27.09.2021;
- QF103 – Large Shelter with Seating and Planters received 27.09.2021;
- Qf117 – Herb Planter received 27.09.2021;
- School Playground Equipment received 27.09.2021;
- Material Information received 27.09.2021;
- WILD003 – Woodland Hut received 27.09.2021;
- WILD009 – Log Amphitheatre – Three Tier received 27.09.2021;
- WILD033 – Forest Playhut – With Table and Seats received 27.09.2021;
- Tree Survey Drawing received 27.09.2021.

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

3. Construction Environmental Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of “biodiversity protection zones”.
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.

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- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.
- (i) Measures to ensure that the public right of way is not obstructed at any time during the course of the development.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

4. Ecological Mitigation and Enhancement Plan

No development shall take place (including demolition, ground works, vegetation clearance) until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Ecological Mitigation and Enhancement Plan shall be implemented in full as part of the approved development.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the Mitigation and Enhancement Plan will need to be adhered to throughout construction.

5. GCN surveys for pond removal

The existing pond shall not be removed until a report on a great crested newt survey has been submitted to and approved in writing by the Local Planning Authority. The report shall include any appropriate mitigation measures. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

6. Lighting plan

Prior to any installation of external lighting, an "Isolux lighting plan" showing the predicted levels of lighting shall be submitted to and approved in writing by the local planning authority.

Reason: The introduction of artificial light might mean certain species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

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7. Ecology report valid for 3 years

If the development hereby approved does not commence by 10th February 2025 (3 years from the original ecology survey), a further ecology survey shall be carried out and a report submitted to the Local Planning Authority for approval before any development takes place.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

IMPORTANT: If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

8. Materials

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

9. Hours of work (construction/demolition)

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

8:30am to 6:00pm Mondays to Fridays;

9:00am 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.

10. Drainage

There shall be no discharge into sewers, watercourses or other waterbodies during and post construction. The applicant shall ensure that no overland flow occurs as result of the works approved under this application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy

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Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006), Sustainable Drainage SPD (2008).

11. Landscaping

The development shall not be first brought into use until the site has been landscaped in accordance with a landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall retain the existing fence alongside the public footpath and shall include details of boundary treatments along the public highway and details of any planting.

Reason: To ensure appropriate landscaping of the site following completion of work. This condition is applied in accordance with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Quality Design SPD.

Informatives

1. Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

2. Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

3. Rights of way

- The applicant is advised that all visitors to the site should be made aware that they would be driving along a public footpath. As a result they should drive with caution when manoeuvring into and out of the site, and should give way to pedestrians at all times.
- Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.
- The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.
- Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to a specification agreed with the Local Authority, prior to development commencing.
- No alteration of the surface of the right of way must take place without the prior written consent of the Rights of Way Officer.

4. Proactive statement

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

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(3) **Application No. & Parish: 22/00719/HOUSE Abbey Gardens, Woolhampton**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00719/HOUSE in respect of a rear orangery.

Miss Donna Toms (Planning Officer) introduced the item which took account of all the relevant policy considerations and other material planning considerations.

In accordance with the Council's Constitution, Ms Jessica Raphael, objector, and Mr Gordon Bradley and Mr Brian Davies, applicants, addressed the Committee on this application.

Objector Representation

Ms Raphael in addressing the Committee raised the following points:

- She confirmed that she was the owner / occupier of 48 Abbey Gardens.
- She also spoke for Mr David Mayer, the owner / occupier of 50 Abbey Gardens and Mr Nicolas Lyon, the owner / occupier of 47 Abbey Gardens.
- A solid brick wall, twice the height of the existing fence would cause an extra 50% loss of light and overshadowing, with substantial harm due to reduced light entering her living room.
- A professional light survey should be commissioned.
- It was proposed that the rear boundary height would be reduced by at least two feet at the next hedge cutting. The parasol, which was removed prior to the site visit, was situated where the extension would be built and was clearly visible from the bridleway, meadow, recreation ground and highway at the side, as would the proposed orangery.
- The report mentioned three existing rear extensions, but objectors were only aware of one at number 45, and the planning consent for that was based on there being no dwelling to the north, so there would be no issue with loss of light and foreshadowing. Also, number 45 was set back from its neighbour. She asked why the same criteria did not apply to this application.
- It was not clear how a development of twice the existing fence height could be considered 'minimal' and how light would only be reduced for 'a short period of the day'. It was suggested that light would be reduced all morning.
- It was not clear how this extension made a positive contribution to its immediate neighbours and the rest of West Berkshire – the only party that would benefit would be the applicant.
- The relevance of the 45 degree rule had been dismissed by the case officer and clarification was sought that this was correct.
- The management company had stated that they were neutral. However, Mr Steve Bailey was a director of the management company and spoke for himself. It was asked if he had a personal interest, since his extension was the basis for this proposal.
- Ms Raphael felt that this application should be rejected.
- Mr David Mayer had provided additional points as follows:
 - The proposed orangery would be an overly dominant structure, with the brick front and side elevation of 3.7m rather than 3.57m as stated.

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- The narrow gap between the side elevation and the property boundary would prevent future maintenance.
- Concerns were expressed about the impact of excavations for the foundations, which would be at least three times the wall width.

Member Questions to the Objector

Members asked for details about the three similar extensions on nearby properties mentioned in paragraph 6.13 of the report. Ms Raphael was familiar with the extension at number 45, but was not aware of the others. She indicated that two similar proposals had previously been rejected and she did not feel that there was a precedent for this type of development.

Members who had visited the site confirmed that similar extensions were present at numbers 43 and 45, while number 50 had a traditional conservatory. Ms Raphael disputed that number 50 had a traditional conservatory.

A question was asked about when neighbouring properties would be affected by loss of light. Ms Raphael confirmed that she had sunlight in her rear garden throughout the morning, which helped to heat the rear of the property. From her own measurements, the proposed structure would overshadow three quarters of her patio and the rear of her house.

Applicant Representation

Mr Bradley in addressing the Committee raised the following points:

- Numbers 40, 43 and 45 all had similar extensions.
- He thanked the committee for visiting the site and indicated that he would accept additional conditions to address any concerns.
- The residents association had been approached and had given unanimous support for the design. Three alternative designs had been prepared and the preferred design would cost around £20,000 more than the alternatives.
- The proposal would add value to the building.
- The bursar of the monastery had been approached – he had indicated that he would not oppose the application.
- The proposed orangery would not be overly dominant.
- The owner of number 50 had applied previously for a conservatory that was considerably larger than this one and had been upset when it had been rejected.
- Mr Bradley's wife had recently had a hip operation and wanted to be able to access the garden more easily than the current layout permitted.
- One of the objectors had queried why an orangery was proposed. The applicant confirmed that he would be growing oranges and lemons.

Mr Davies in addressing the Committee raised the following points:

- The property's lease made provision for appropriate and sympathetic extensions provided due process was followed. The landlord and residents committee had been consulted and the applicant had engaged a professional architect and had consulted a reputable conservatory manufacturer.
- Numbers 48, 49 and 50 had substantial front and rear gardens, so loss of light would have a minimal impact, since the sun would be on the front gardens in the afternoons.

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- The application was considered appropriate, modest, and in keeping and should be supported.

Member Questions to the Applicants

Members asked about the impact of the proposal in terms of loss of light as a result of the 3.7m wall versus the existing 1.8m fence. A further question was asked about the depth of the wall that would face the neighbouring property. Mr Bradley was unable to give the exact dimension, but indicated that a gap would be left between the orangery and the fence. The height would be around 2-3 bricks below the rear window. His parasol was currently higher than the fence, but the sun was sufficiently high in summer as to flood both gardens. Ms Raphael would be able to use her front garden in the afternoon. The applicant's main concern was to get his wife back in the garden. Mr Davies suggested that there would be no loss of light, but there would be a loss of sunlight for a very short period of time. The architects had designed the orangery to meet all planning requirements, and it had been assessed by the Council's planning officers to ensure that it was compliant. He reiterated that all three properties (48, 49 and 50) enjoyed sunlight in their front gardens in the afternoon.

Ward Member Representation

The Chairman in addressing the committee made the following points:

- He had not been ward member when this pleasant development had been built to fund the redevelopment of the old school.
- It had been designed with care and focused on the features of the old building, with castellation, stone courses and casement windows and the plans for the proposed orangery reflected these design elements.
- The top of the glass roof would be just under the upper floor window and the top of the brickwork would be around two bricks lower.
- Members had heard comments about potential loss of light and sunlight, but there would be no overlooking.
- The proposed orangery would fill the patio area.
- The property projected two bricks outwards from its neighbours.
- He could understand why the applicant wanted to build the orangery and why the neighbour might consider it overpowering, since it would feature a brick wall not quite twice the height of the fence.
- The front gardens were private and set back from a quiet section of road.

Questions to the Ward Member

Members noted that the rear gardens of numbers 48 and 50 were very narrow and asked if the proposed orangery could be considered overpowering. The Chairman agreed that the gardens were not very wide. He noted that there were two gardens for each property – the rear gardens got sunlight in the morning and front gardens got sunlight in the afternoons. He suggested that it would be a judgement call whether the development could be considered overpowering.

Clarification was sought as to whether number 49 was set back or forward from its neighbours. The Chairman confirmed that the rear wall protruded by two bricks from the rear walls of its neighbours.

Continuation of meeting

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In accordance with the Council's Constitution section 7.13.5, the Committee supported Councillor Bridgman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(3).

Questions to Officers

Members asked about the planning implications of the limited overshadowing of neighbouring properties mentioned in the report. Also, clarification was sought as to what was meant by three similar extensions being in largely obscured areas of the estate. It was confirmed that Members needed to test the development against the policy that said development shall respect the character and appearance of the area. Existing single storey extensions in the area would affect the existing character and appearance and it would be up to Members to come to a decision on that issue. Neighbouring amenity had been assessed in terms of loss of light and the potential for overlooking. The main concern was loss of sunlight – daylight was more diffuse and therefore less of a concern. Officers' judgement was that the loss of sunlight would not be significant. The neighbouring property had multiple windows and ordinarily a development of comparable size would be permitted development. Assessment of whether the proposal would be overbearing was more subjective, but took account of any sense of enclosure or dominance of the brick wall. Given the dimensions of the proposal and the existing fence, officers did not feel that the proposal would be overbearing.

Clarification was sought as to which houses already had extensions. It was confirmed that houses 40, 43 and 45 all had extensions.

Debate

Councillor Alan Law recalled the site visit to assess a previous application for an extension on this development, which had initially been refused. There were just two others in the vicinity. While he conceded that the current proposal was well-designed, he did not feel that it was subservient to the property or in character with the area.

Councillor Tony Linden agreed with Councillor Law. He noted that the rear gardens were narrow and was concerned that the side-walls of the proposed orangery would be overbearing for neighbouring properties.

Councillor Richard Somner disagreed and indicated that each neighbour would only be affected by a single wall, so would not be boxed in. He noted that Google Earth showed all three rear gardens in shade, but highlighted that the front gardens were very private and would be usable. He questioned the subservience issue given that the middle property was already longer than its neighbours. Also, there would be a gap between the fence and the exterior wall. He noted that his neighbour was faced by a similar wall on an adjacent property and this was inevitable with any extension.

Councillor Keith Woodhams asked if officers felt the proposed extension was subservient. Officers confirmed that this was a subjective decision, but key factors were height, width and dimensions relative to its surroundings or the existing building.

Councillor Geoff Mayes did not feel that it was subservient to the existing building, which projected outwards by around 450mm from its neighbours. The parasol had been up when he had visited the site and was visible from the rear gate. He did not see any downpipes on the rear wall, so he did not feel that drainage would be an issue. He noted that the extension could not be full-width to allow for the foundations. He considered that the property to the north would be in shadow, but suggested that light tracking projections should be carried out for different times of year to demonstrate the impact of the proposal.

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Councillor Alan Macro noted that the property faced east-north-east, so number 50 should not have an issue with shadowing, but number 48 would have an issue to some extent. He noted that the reports stated that the extension had been designed to be subservient to the original property and agreed with this assessment. He felt that the main issues were overshadowing and the effect of the brick wall, but noted that if the wall had windows, there would be issues with overlooking. He proposed to accept officers' recommendation and approve the application. This was seconded by Councillor Keith Woodhams.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Alan Macro and seconded by Councillor Richard Somner to accept officers' recommendation to approve the application. At the vote, the motion was carried.

RESOLVED that the Service Director of Planning and Regulation be authorised to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1. Commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. Approved plans

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

Location and Block Plan received on 21 March 2022;
Proposed Elevations, Floor Plans and Section received on 21 March 2022.

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

3. Materials

The materials to be used in the development hereby permitted shall be as specified on the plan and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

4. Hours of work (construction/demolition)

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

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

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condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

Informatives

1. Proactive

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. CIL

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

3. Consent to enter adjoining land

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

4. Right of Way

The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.

(The meeting commenced at 6.30 pm and closed at 10.01 pm)

CHAIRMAN

Date of Signature