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EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON

10th FEBRUARY 2010

AT THE CALCOT CENTRE, CALCOT

Committee: Brian Bedwell (*Chairman*) (P), Peter Argyle (P), Pamela Bale (P), Richard Crumly (P), Alan Law (AP), Tony Linden (SP), Keith Lock (P), Mollie Lock (SP), Royce Longton (P), Alan Macro (P), Tim Metcalfe (P), Irene Neill (*Vice-Chairman*) (P), Graham Pask (AP), Terry Port (AP), Quentin Webb (SP)

Ward Members also in attendance: Lee Dillon

Also present: David Pearson (Team Leader – Development Control), Clive Inwards (Principal Planning Officer), Liz Patient (Solicitor), Gareth Dowding (Senior Engineer), Linda Pye (Policy Officer)

PART I

98. APOLOGIES.

Apologies for inability to attend the meeting were received on behalf of Councillors Alan Law, Graham Pask and Terry Port. Councillor Quentin Webb substituted for Councillor Alan Law, Councillor Tony Linden substituted for Councillor Graham Pask and Councillor Mollie Lock substituted for Councillor Terry Port.

99. MINUTES.

The Minutes of the meeting held on 20th January 2010 were approved as a true and correct record and signed by the Chairman.

100. DECLARATIONS OF INTEREST.

Councillors Royce Longton and Irene Neill declared an interest in Agenda Item 4(1), but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

101. APPLICATION NO. 09/02396/COMIND – AWE ALDERMASTON, ALDERMASTON, READING.

(Councillors Royce Longton and Irene Neill declared a personal interest in Agenda item 4(1) by virtue of the fact that they were both members of the AWE Local Liaison Committee. As their interest was personal and not prejudicial they were permitted to take part in the debate and vote on the matter).

(Councillor Mollie Lock arrived at the meeting at 6.35pm and as she had missed part of the opening presentation by the Planning Officer she took no part in the debate and did not vote on the item).

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 09/02396/COMIND in respect of a replacement facility for the storage and handling of enriched uranium covering 18,489m² gross floor space on a 10,496m² footprint, including office accommodation, storage facilities, material handling areas and ancillary support services. Construction related infrastructure

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was also proposed including access roads, construction compound fencing, gates and ancillary facilities.

In accordance with the Council's Constitution, Mr. Peter Burt, objector, and Andrew Jupp (AWE), John Steele (AWE), Chris Simkins (RPS), and Phil Parry (RPS), applicant, addressed the Committee on this application.

Mr. Burt in addressing the Committee raised the following points:

- Mr. Burt stated that his objections were based around three main issues – lack of information in respect of the risks, lack of public consultation and the amount of public concern;
- The exemption certificate issued by AWE meant that information in respect of the risks to public safety and the environment posed by the new facility had not been disclosed to the public or the Council and therefore the level of risk could not be gauged;
- Consequently the reassurances in respect of risks within the report were meaningless as Officers did not have access to the relevant information;
- The proposed development was a major concern to members of the public and this had been ascertained through a street survey which had been conducted in the local area where over 500 people had been canvassed;
- Over 90% of those canvassed felt that information in respect of safety should be made available and Mr. Burt urged the Committee to ask AWE to provide information in respect of risks prior to consideration of the planning application;
- There had been a lack of consultation with the general public and consultation had only taken place with a small select group of stakeholders;
- 75% of the local people who had taken part in the survey had not heard anything about the proposed development;
- Mr. Burt felt that the submission of the application had deliberately been timed to coincide with the Christmas period;
- Both Reading and Basingstoke Councils had complained about the lack of consultation and felt that a review should be undertaken, involving proper general consultation, to query whether Aldermaston would be the best suited location for the new facility;
- 61% of those people surveyed were of the opinion that the development should not take place. Local opinion was a material consideration and raised valid concerns;
- If Members were minded to grant planning permission then the Committee would be going against the views of the local residents;
- There were concerns that the proposal did not include a decommissioning strategy.

Members queried when and where the street survey had been carried out. Mr. Burt confirmed that the survey had been undertaken on a Saturday morning in Reading, Newbury, Mortimer, Burghfield, Theale and Tadley.

Messrs. Jupp, Steele, Simkins, and Parry in addressing the Committee raised the following points:

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- This was the seventh major project in a programme of refurbishment at AWE and the fourth major planning application at this site;
- AWE had funded highway improvement works which had already been put in place;
- The Site Development Context Plan 2005-2015, which had been updated in April 2008, set out the principal land use proposals and strategies at both the Aldermaston and Burghfield sites. The proposed development was in accordance with that document;
- The proposals in the latest planning application consolidated existing operations into a single customised building;
- There would be no increase in the scale of activities or the number of personnel;
- The current proposal would not generate any more waste than was currently produced through the existing facilities;
- It was felt that sufficient information had been provided in the planning application and the 'Defence Exempt Environmental Appraisal', which had been submitted instead of a formal Environmental Statement, to enable the application to be determined;
- AWE continued to work hard with Officers and consultees in respect of their proposed developments;
- No objections to the proposed development had been received from a technical perspective or from any local community groups.

Members noted that considerable consultation had been undertaken on the Site Development Plan a number of years ago. Members asked if the applicants would be happy to include conditions in respect of the amount of uranium handled on the site and that a time limit should be specified for the demolition of the existing buildings. It was confirmed that there would be no significant increase in the amount of uranium handled on the site but the applicants would be happy to include a condition on a time limit for demolition. Members noted that there was no mention in the report of a Contaminated Land Survey. The applicant confirmed that there were no additional risks associated with the application and no remediation works on the site were required and therefore such a survey was not necessary. It was queried why an extension of the time period for implementation of the development was required. The applicant responded that an extension from three years to five years had been requested as a result of the current economic situation and the need to ensure that the relevant funding for the project was in place. Members asked whether the buildings which undertook the current operation were adjacent to each other or not. The applicant stated that the current operation was carried out in one facility on the northern boundary of the site although a number of annexes had been added to it over time. It was proposed to bring the operation into the centre of the site and to demolish the existing buildings on the northern boundary. It was noted on the report that the neighbouring Parish Councils had raised no objections and Councillor Brian Bedwell queried whether any objections had been raised since the report had been circulated. The applicant confirmed that no objections had been received from any of the Parish Councils.

Councillor Irene Neill, as Ward Member, stated that the proposed development was a continuation of a current operation on the site. The fact that a purpose built building was being proposed with better working conditions would mean that the

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operation would be undertaken in a safer environment. All of the Parish Councils had been consulted and notices had been displayed on Parish Council noticeboards stating when the item was to be discussed at the Parish Council meeting and therefore members of the public had had sufficient opportunity to attend the meeting and to object to the application if they had so wished.

In considering the above application Members were generally supportive of the proposed development but queried the two conditions suggested by Aldermaston Parish Council and the request for improvements to a cycle path from Tadley Town Council. The Planning Officer felt that the objectors and the developer had made their positions clear. There were no additional pressures on the Council's open spaces or library services from additional staff and there would be no increase in traffic impact. Therefore, developer contributions were not required to make the proposal acceptable and consequently no funding was available to put towards the cycle path improvements as requested by Tadley Town Council. In respect of the condition requested by Aldermaston Parish Council, that there should be no increase in the amount of enriched uranium handled or stored on the site, any conditions imposed would need to be enforceable and the Planning Officer stated that there was no way of checking how much uranium was being taken on site. It would be necessary to rely on the applicant in this respect. In addition including a condition on the planning application would give a false impression to members of the public that this would be monitored by the local authority when in practicality this would not be possible. The Health and Safety Executive and the Environment Agency had the technical expertise to control the operation and they had raised no objections to the proposed developments. The applicants had given their agreement at the meeting that the demolition of the existing buildings could be subject to a time limit. Condition 11 covered the issue of demolition and information on timings etc. would be provided to the local authority by way of a discharge notice. Officers would ensure that the area would be returned to its natural state.

Councillor Alan Macro noted that there would be no increase in the size of the operation but felt that although the risk was small the consequences would be extremely high. There was a 3 mile exclusion zone around the site for major housing development and Councillor Macro was of the opinion that this type of facility should not be built in a populated area.

RESOLVED that the Head of Planning and Trading Standards be authorised to grant planning permission subject to the following conditions:

Conditions

1. The development shall be started within five years from the date of this permission.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies OVS2, ENV18 and ECON2A of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007 should it not be started within a reasonable time.

2. No development shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. The development shall be constructed in

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the materials approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

3. No development shall commence until details of the cycle parking proposed have been submitted to and approved in writing by the Local Planning Authority. These areas shall, thereafter, be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policy OVS3 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

4. No development shall commence until a detailed scheme of landscaping for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme should accord with the Illustrative Framework 2005. The development shall thereafter be landscaped in accordance with the approved scheme which shall ensure:

- (a) The carrying out of any earth moving operations concurrently with the carrying out of the building and other works;
- (b) Completion of the scheme during the planting season next following completion of the buildings, or such other date as may be agreed in writing by the Local Planning Authority;
- (c) The scheme should also provide details of the marginal planting in the SUDS ponds.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development in accordance with the objectives of Policies OVS2 (a & b) and OVS 3 (b) of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

5. No development shall commence until details of the maintenance of the proposed landscaping scheme including an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment have been submitted to and approved in writing by the Local Planning Authority. The development shall be landscaped in accordance with the approved details which shall ensure;

- (a) Details of soil preparation, plant protection, watering and weeding.
- (b) Any trees shrubs or plants that die, or become seriously damaged within five years of this development shall be replaced in the following year by plants of a similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with policies OVS2 (a & b) and OVS 3 (b) of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

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6. No development shall commence until a full BREEAM or equivalent assessment demonstrating that the development will attain BREEAM EXCELLENT has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved assessment. The building hereby approved shall not be occupied until a post construction review, carried out by a licensed assessor, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Policy OVS10 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and the guidance contained within the Council's adopted Supplementary Planning Document: Quality Design – West Berkshire, Part 4 "Sustainable Design Techniques".

7. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed buildings and the adjacent land in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

8. The AWE Code of Construction Practice (Annex G of the Planning Supporting Statement) shall be implemented in full for the full duration of the construction activity relating to this permission at the site.

Reason: In the interests of the amenities of neighbours of this site in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

9. No development shall commence until details of the external lighting to be used in the areas around the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the buildings shall not be occupied until the external lighting has been installed in accordance with the approved details and thereafter no material changes to the lighting scheme shall be made unless details have been submitted to and approved by the Local Planning Authority on a planning application made for that purpose.

Reason: The Local Planning Authority wish to be satisfied that light spill from any external lighting is minimised in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

10. No development shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

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11. No development shall commence until details of the programme for the phased demolition and clearance of the existing enriched uranium facility buildings have been submitted to and approved in writing by the Local Planning Authority. These buildings shall then be demolished and cleared in accordance with the approved details.

Reason: To ensure that these existing explosive facility buildings are removed which has been an important material consideration of this application in accordance with Policies OVS2, ENV18 and ECON2A of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

12. No development shall commence until a surface water drainage system, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. The scheme shall be designed to manage surface water run-off for a 1 in 100 year rainfall event with a suitable allowance for climate change incorporated.
2. Confirmation that there will be no infiltration of surface water drainage into the ground, other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
3. Detailed plans to show a variation of water depths, variation in the width of the marginal shelves/aquatic bench to prevent uniformity and the use of native species of local provenance in all planting and seeding mixes around the ponds, planted in the appropriate locations relative to wetness/water level for each species. Cross sections shall be included to illustrate these points.
4. A management plan to ensure the function of the balancing ponds to manage surface water run-off and landscaping is maintained in the long term.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve water quality and to provide ecological habitat in accordance with Policies OVS2, OVS5 and ENV8 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

13. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the applicant has submitted and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy set out in Chapter 7 and Appendix A of the Defence Exempt Environmental Appraisal November 2009, detailing how this unsuspected contamination shall be dealt with.

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Reason: In order to protect controlled waters from pollution in accordance with Policy OVS5 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

14. No development shall commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with this additional demand in accordance with Policy OVS3 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

15. No development shall commence until the applicant has notified the Highways Agency's Area 3 Route Manager of the intention to commence works.

Reason: In the interests of the free flow and safety of traffic on the trunk road network in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

102. APPLICATION NO. 09/02406/HOUSE – 14 LARKSPUR GARDENS, THATCHAM.

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 09/02406/HOUSE in respect of retrospective loft conversion incorporating rear dormer and velux windows.

In accordance with the Council's Constitution, Councillor C.P. Ellison, Parish Council representative, and Mr. Jarod Albinson, applicant, addressed the Committee on this application.

Councillor Ellison in addressing the Committee raised the following points:

- Councillor Ellison stated that the property had originally been a two bedroomed semi-detached house which had previously been extended to a four bedroomed house;
- The proposed alterations to the dwelling would make it a three storey five bedroomed property;
- Thatcham Town Council were not in favour of the proposed application as the flat roof dormer was of a design and scale which was overly dominant and out of keeping with the surrounding area;
- The proposed dormer would set an unacceptable precedent as flat roof dormers were not permitted on the estate and if filled the whole width of the original roof;
- The design of the dormer looked like a garden shed had been placed on the roof;
- Councillor Ellison stated that dormers should not be used to increase the floor space and should be as low down on the roof as possible.

Members asked for clarification on the statement that flat roof dormers were not allowed on the estate. Councillor Ellison confirmed that it had been a condition on the original planning permission for the Dunston Park estate.

Mr. Albinson in addressing the Committee raised the following points:

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- Mr. Albinson stated that he had originally been advised by a Planning Officer that planning permission was not required. However, at a later date this advice had changed and work on the dormer had ceased;
- The dormer had been designed to complement the original property and blend into the community;
- The site was on a large corner plot of a small cul de sac and was therefore not obvious;
- The proposed extension needed to be functional and would only blend into the surrounding area once it was complete;
- Mr. Albinson stated that there was a thick line of trees behind the house and therefore the conversion would not be seen during 70% of the year due to the leaves on the trees;
- There were other properties in the near vicinity which had flat roof dormers and Mr. Albinson felt that these were not as attractive as the design of the proposed dormer;
- Letters of support had been received from the Solicitor, Builder and Architect and a letter had also been received from his partner's doctor highlighting the stress caused by delays in the planning process and potential health hazards caused by the unfinished works;
- A petition of 15 signatures had been received in support of the application and only two letters of objection had been submitted;
- Mr. Albinson stated that he had approached the building of the extension in good faith.

Members queried why an application had not been submitted originally. Mr. Albinson stated that he had telephoned the Council to seek advice as to whether he had permitted development rights or whether a planning application was required. Mr. Albinson was told that planning permission was not required as the proposal fell within the constraints of legislation from 2008. However, no written confirmation of the advice given in that telephone call was available. Members questioned why Mr. Albinson had not known that he did not have permitted development rights. Mr. Albinson had not been aware that he required planning permission until he had received a letter from the Enforcement Officer and he had then spoken to Planning Officers the following day. It was queried whether Mr. Albinson had looked at the Council's Supplementary Planning Guidance in respect of house extensions and in particular dormer windows. Mr. Albinson advised that he had been directed to the Government website by Planning Officers. Members asked if Mr. Albinson had been aware of the restrictions for dormer windows in Dunston Park. Mr. Albinson confirmed that he had not been aware that there had been a condition on the original planning application. The pictures that had been circulated of other dormer windows had not all been taken in Dunston Park but were on other estates which were close by.

Councillor Lee Dillon, as Ward Member, stated that the reason for call-in had been in respect of the permitted development rights. The applicant had contacted Councillor Dillon about the confusion over whether planning permission was required or not. The applicant had telephoned the Council in good faith and had shown that he was prepared to follow processes as planning permission had been sought for the conservatory and for the two storey side extension. The dormer

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conversion had not been handled by Mr. Albinson who was not aware of the details surrounding the previous applications as he had not been with his current partner at that time. Officers at the Council had been trying to find evidence from telephone records that a call had been made but had not been able to do so. Councillor Dillon stated that he had visited the property on a number of occasions at different times of the day. There was a substantial tree line along the boundary fence and he felt that the dormer conversion would not be particularly obtrusive from that view, especially during the Spring and Summer. The nearest property was 21m away. The dormer would also not be that visible from the footpath and from between the properties in Trefoil Drive. The property was in a cul-de-sac surrounded by trees and would therefore not be unduly visibly obtrusive.

The Planning Officer stated that Government guidance was clear when considering retrospective applications. The Committee should put aside the fact that it had been built and treat it as if it was in plan form only. When making an assessment it was necessary to clear the mind of how that situation had been reached. The Planning Officer agreed that this was a difficult case to deal with and the Council had spent a considerable amount of time trying to verify Mr. Albinson's claims. There was an issue if advice had been given over the telephone as Officers had been advised that applicants should submit a Certificate of Proposed Development form and pay a fee in order to obtain written confirmation as to whether planning permission was required or not. Officers did not necessarily agree with that approach but it would avoid situations such as the one in question occurring. Planning Officers had been questioned as to whether they remembered a telephone conversation of that nature taking place but no-one could recall having done so. Telephone records of the numbers quoted by Mr Albinson had also been looked at and therefore the Council had made every effort to verify Mr. Albinson's claim. Of the seven other similar developments in the area quoted six of them had not had their permitted development rights removed and only one of those was on the same estate as the applicant. The Council were currently in the process of pursuing a retrospective application for that property. The other applications were not comparable as their permitted development rights still existed.

In considering the above application Members queried how much the property had already been developed. The Planning Officer advised that the property was within a Settlement Boundary and therefore there were no issues in respect of disproportionality. The problem was with the design and bulk of the dormer and overlooking. Members asked whether a ridged dormer would be more favourable. The Planning Officer stated that if it was of the same size and bulk then Officers would still have a concern in respect of the perceived overlooking. Members agreed that this was a difficult application to consider. It was felt that the burden was on the applicant to come up with the evidence in respect of the permitted development rights. In any event Mrs. Eeles had signed the form on the previous application for the two storey side extension, which had acknowledged that permitted development rights were removed, and she should have been aware that no permitted development rights existed. Members were of the opinion that the proposed dormer was too large and would have a detrimental effect on the character of the surrounding area.

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

1. The dormer window extension to the rear of the property, due to its inappropriate design, size and siting fails to harmonise with the scale and

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character of the existing dwelling. It appears as a prominent, intrusive and incongruous feature to the detriment of the appearance of the locality and the character of the surrounding area. As such, the proposal is contrary to the to the provisions of Policy OVS.2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and Policy CC6 of The South East Plan May 2009 and to guidance contained within Planning Policy Statement 1 and Supplementary Planning Guidance 'House Extensions' adopted July 2004, which seek to ensure development proposals achieve a high standard of design which respect the character and appearance of the area.

2. Due to its position in the roofslope and the height of the new window therein, the dormer would result in a significant reduction in the amenity of occupiers of the neighbouring property at 15 Trefoil Drove as a result of actual and perceived overlooking. As such, the proposal is contrary to the to the provisions of Policy OVS.2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 and guidance contained within Planning Policy Statement 1 and Supplementary Planning Guidance 'House Extensions' adopted July 2004, which seek to ensure development proposals achieve a high standard of design which safeguard the amenities of neighbouring occupiers.

103. APPEAL DECISIONS RELATING TO EASTERN AREA PLANNING COMMITTEE.

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

104. SITE VISITS.

The site visit for Pincents Hill was confirmed for Wednesday 17th February 2010 commencing at 9.30am. It was recognised that this was likely to be a longer site visit than usual.

Site visits for the next Eastern Area Planning meeting would be held on 25th February 2010 at 9.30am.

(The meeting commenced at 6.30pm and closed at 7.57pm)

CHAIRMAN

Date of Signature: