

Note: These Minutes have been amended. Please see Minutes of 24 May 2017 to view amendments.

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 3 MAY 2017

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

Also Present: Jessica Bailiss (Policy Officer (Executive Support)), Masie Masiwa (Planning Officer), David Pearson (Development Control Team Leader) and Shiraz Sheikh (Acting Legal Services Manager)

Apology for inability to attend the meeting: Councillor Tim Metcalfe

PART I

90. Minutes

The Minutes of the meeting held on 12th April 2017 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Item 1, Page 8, 6th bullet point, 2nd sentence: should read as follows “There were no objections from the AONB and the proposal was described as being ‘simple and sympathetic’

Item 1, page 10, paragraph 3, second sentence: should read as follows “At the vote, four voted against and three in favour”

91. Declarations of Interest

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

92. Schedule of Planning Applications

(1) Application No. & Parish: 17/00182/COMIND - Land North of Floral Way, Opposite Foxglove Way, Thatcham

(Councillor Richard Crumly declared a personal interest in Agenda Item 4 (1) by virtue of the fact that he was a Member of Thatcham Town Council and had been present at the meeting where the item had been discussed, however, he had no preconceived opinion and would consider the item afresh. 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 17/00182/COMIND in respect of a scheme that comprised of the construction of a flood detention basin with an area of 1.7ha. and 2.8m high earth bund to the south, in farmland to the north of Floral Way, Thatcham. The crest of the bund would have a level of 90.5m AOD and accommodate a 50m length spillway at a level of 90.0m AOD. A 0.6m diameter flapped culvert would incorporate an existing ditch to the east of the proposed basin. As a

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feature of the scheme, there would be realignment of 370m of the existing ditch to the north of the site taking the flow through the basin. The base level of the detention basin was to be set at 87.25m AOD and would utilise the existing 1.2m by 0.6m box culvert under Floral Way as an outlet control. The scheme would provide a Standard of Protection against flooding of 1 in 100 year plus Climate Change.

Prior to the Planning Officer's introduction to the report, Councillor Graham Pask made reference to the need for Members to follow the speaking rights procedure outlined in the Council's Constitution. This required the Committee to move directly to representations from Parishes, members of the public etc following the Planning Officer's introduction. Questions to Officers needed to be held until all presentations had completed.

Planning Officer, Masie Masiwa, introduced the report to the Committee. The main issues for consideration included:

- the principle of the development;
- potential impact on amenities and residents close by, and;
- that the site was outside of the settlement boundary.

In accordance with the Council's Constitution, Stuart Clark, applicant, and Councillor Sheila Ellison, Ward Member, addressed the Committee on this application.

Stuart Clark in addressing the Committee raised the following points:

- Dunston Park was part of one of the eight flood alleviation schemes in and around Thatcham, that were being implemented due to flooding suffered in 2007.
- The flood alleviation schemes would collectively help protect the whole of Thatcham from flooding in the future.
- The scheme in question would collect surface water run off and release water in to the underground sewage system.
- A flood detention basin for Cold Ash Hill and Tull Way had also been approved by the Council and development would commence on the 15th May 2017.
- The scheme would benefit 512 houses in Thatcham and would collect water from Dunston Green through to Soley Hill.
- There were a number of reasons why the basin was proposed for the particular location and these were primarily engineering reasons. The basin would intercept two water courses. The reason why it had been located close to Floral Way was so that it could collect water from the west.

Councillor Richard Crumly asked for clarification on whether the 512 houses that would benefit, were 512 of the 1100 houses that had flooded in 2007. Stuart Clark confirmed that they were.

Councillor Alan Macro firstly asked why the bund was so close to the properties at the bottom of the hill and secondly queried why the trees in the middle of the site needed to be felled. Stuart Clark explained that the location had been chosen so that the basin could intercept two water courses. Moving the basin north would mean that it would not intercept over flow water from the west. Stuart Clark had also been in close liaison with the landowner, who had confirmed that the proposed layout was his preference.

Stuart Clark reported that the trees in the middle of the site needed to be felled because they were located in the area that would require excavating.

Councillor Quentin Webb noted that the calculations that worked out the water volume that could be held by the reservoir, had not been included within the report and asked for

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clarification on how this figure had been reached. Stuart Clark stated that they were able to calculate this using the topography and catchment of the area. Software was then used to calculate the volume and flow of water and from this a basin size could be established. Stuart Clark commented that he had not included the calculation within the report as he had not been aware that this information was required by Members.

Councillor Keith Chopping drew attention back to the trees in the middle of the site. He understood that the trees at the front of the site needed removing due to the bund however, could not see why efforts were not being made to retain the trees to the north. Councillor Chopping had acknowledged the answer to Councillor Macro's question that they were being removed due to excavation work however, queried to what extent excavation would take place.

In response to Councillor Chopping's question, Stuart Clark reported that 24000 cubic square metres of excavation work would be required. Excavation would go down to one metre at one end of the basin and this would be the minimum. The trees would be within the basin and this was why they needed to be removed.

Councillor Chopping referred to the Tree Officer's report within the Update Report, which raised the question as to whether alterations could be made to the location of the site, to help retain some of the trees. Stuart Clark commented that there were a number of engineering reasons why the location had been chosen including the need for it to intercept the flow of water from the west. The proposed location was also the preference of the landowner.

Councillor Alan Law stated that he had learnt a lot from the site visit. The basin would be close to the road and was served by two ditches and two streams. He drew Members attention to the drawing on page 41 of the agenda. He noted that the ditch to the right of the site appeared to travel underneath the bund and then back out under the bund where it then travelled down the side of the bund. He queried how this would work. Stuart Clark reported that the bund was designed to carry water that could not make its way down stream without causing flooding. Anything over and above the water course would flow into the basin and be stored. Councillor Law was still confused by the route of the water that appeared to travel under the bund. Councillor Pask asked for clarification on whether this route would continue once the development had taken place and Stuart Clark confirmed that it would not.

Following on from Councillor Law's question, Councillor Graham Bridgman referred to the drawing on page 41 of the agenda. He noted that the existing ditch was marked in blue and queried what controls would be put in place to ensure the ditches did not over flow. Stuart Clark stated that because of the way the site was modelled, not a great deal of water would go into the ditches. The part of the ditch in question, would be removed and would not form part of the flood catchment.

Councillor Bridgman noted that the report stated that the spill ways could not be over topped until the grass had grown. He questioned which existing spillway would be in filled.

Councillor Pask stressed that the discussion was becoming very technical and the Committee needed to keep to planning considerations.

Stuart Clark stated that the answer to Councillor Bridgman's question was a reservoir safety issue. The structure could not become a reservoir until the spillway was ready.

Councillor Pask queried what would happen to the overhead cable and Stuart Clark confirmed that it would be a buried cable, that would travel within the material track around the perimeter of the site.

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Councillor Ellison in addressing the Committee raised the following points:

- After the 2007 floods, a map had been produced showing where the water travelled. It had been revealed that the water followed ancient water courses.
- Concern had been raised about the bund affecting local residents. She was aware of struggles at Greenham Common, to find anything that would successfully grow on a bund.
- There was a stream across the road from the site and the local residents were very proud of it. It was hoped that this stream would continue to flow once development had taken place.
- In 2007, water had flowed through Dunston Park and had devastating effects. It was hoped that the proposed development would prevent this happening again.

Councillor Pask invited Members to raise any questions, however once determining there were no questions Members moved on to discuss the application.

Councillor Macro referred to section 8.2 on page 20 of the agenda pack, which included details of distances from the crest of the bund to the garden boundaries on close by properties. Councillor Macro asked if Officers had measurements from the bund to the walls of the properties. Masie Masiwa reported that the measurements represented the boundary to the highest part of the bund. Councillor Law added that they had stepped out the distance at the site visit and it was a considerable distance. Masie Masiwa showed Members the slide of the view from the bund to the close by properties (which had been included within his initial presentation). It was confirmed that the distance was about 10 metres.

Councillor Bridgman felt that the application had been looked at in great detail and that the case for why the basin was required had been explained to Members. With a history of flooding in Thatcham, it was obviously something that was needed and Members had been informed that the development was the technical solution to the problem. Councillor Bridgman proposed that the application be approved, in line with the Officer's recommendation. This was seconded by Councillor Chopping.

Councillor Chopping stated that the rainfall 10 years ago had been extraordinary and the residents of Thatcham had suffered immensely. The application was an example of what the Local Authority should be doing. Councillor Chopping had been concerned about the loss of trees on the site. He did not personally think that the bund would cause unreasonable overshadowing as the slope was fairly gentle. The bund would also be sewn with wild flowers that would be an asset to the surrounding area.

Councillor Pask asked for confirmation that Members had taken account of the Tree Officer's recommended conditions included within the Update Report and there was agreement from Members that they had.

Councillor Macro was satisfied that the distance given between the bund and the properties close by was similar to the back to back distance required between properties. He felt that it was a shame that the Tree Officer's report had been obtained at such a late date, as it could have been taken into account at the design stage.

Councillor Richard Crumly felt that residents should feel re-assured that the scheme would ensure the land was not used for residential development. It would help to ensure 1100 houses were not flooded again in the future. Councillor Crumly commended the application.

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Councillor Pask invited Members to vote on the proposal by Councillor Bridgman and seconded by Councillor Chopping. At the vote Members voted unanimously in favour of this proposal.

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

Conditions

1. Time

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 and documents

The development hereby permitted shall be carried out in accordance with the approved plans and/or documents listed below (subject to minor amendments as stipulated by other conditions below):

- 1) Geotechnical Interpretative Report
- 2) Archaeological Desk-Based Assessment November 2014.
- 3) Landscape Appraisal, Proposed Landscape Scheme, Planting Details and Landscape Management Plan by Kirkham Landscape Planning dated October 2016.
- 4) Landscape Scheme Drawing – WBC/237/SK1
- 5) Access Road Details Drawing - R512-008
- 6) Sheet Piling Detail Drawing - R512-010
- 7) Reservoir Inlet Details Drawing - R512-101
- 8) Proposed Earthworks Strategy Drawing - R512-109
- 9) Control Structure Elevations (Sheet 1 of 3) Drawing - R512-102 REVISION A
- 10) Control Structure Elevations (Sheet 2 of 3) Drawing - R512-103
- 11) Control Structure Elevations (Sheet 3 of 3) Drawing - R512-104
- 12) Proposed Flood Alleviation General Arrangement Drawing - R512-001 REVISION C
- 13) Sealed Chamber Details Drawing - R512-106
- 14) Spillway and Bund Cross Sections Drawing - R512-105
- 15) Utilities Plan Drawing - R512-003 REVISION A

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

3. Materials as specified

Unless otherwise agreed in writing by the Local Planning Authority the materials to be used in the development hereby permitted shall be as specified on the plans and supporting documents

Reason: To ensure that the materials respond to local character. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CS14, CS17, and CS 19 of the West Berkshire Core Strategy 2006-2026.

4. Access construction before development commences

As a first development operation, the vehicular access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with

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the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

5. Construction method statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors.
- (b) Loading and unloading of plant and materials.
- (c) Storage of plant and materials used in constructing the development.
- (d) The erection and maintenance of security hoarding or fencing.
- (e) Wheel washing facilities.
- (f) Measures to control the emission of dust and dirt during construction.
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. Visibility splays before use

No development shall take place until the proposed new access and the visibility splays at the access onto Floral Way have been provided in accordance with drawing number R512-008 received on 31 January 2017. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. Vehicle access track, parking and turning spaces

The vehicle access track, parking and turning spaces shown on approved drawings shall be provided within four weeks of the bund becoming operational. The parking and turning space shall thereafter be kept available for parking at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved Policies 2007.

8. Hours of work condition

The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing is limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays

8.30 am to 1.00 p.m. on Saturdays

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and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS 5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. Minimise the effects of dust

No development shall commence until the applicant has submitted to the Local Planning Authority a scheme of works or such other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local Planning Authority to any such scheme of works and thereafter no works shall be undertaken until the approved dust prevention measures have been implemented and these measures shall remain in operation until the development has been completed.

Reason: In the interests of the amenities of neighbouring occupiers. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS 5 and OVS7 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Gates at access(es)

Any gates to be provided at the access(es) where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least five metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

11. Hard and soft landscaping

The hard and soft landscaping as detailed on the Landscape Scheme Drawing – WBC/237/SK1 received on 31 January 2017 shall be implemented in full within the first planting season following the completion of the development. Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the next planting season by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and enhance the biodiversity of the area. This condition is imposed in accordance with the National Planning Policy Framework 2012 and Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

12. Fence and gate details

No development shall take place until details, to include a plan and elevations, indicating the positions, design, materials and type of fences and gates (boundary treatment) to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved scheme before the development hereby permitted becomes operational or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The approved fence and gate shall thereafter be retained in accordance with the approved details.

Reason: The boundary treatment is an essential element in the detailed design of this development and the application is not accompanied by sufficient details to enable the

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Local Planning Authority to give proper consideration to these matters, in the interest of neighbouring amenity. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

13. Written scheme of Archaeological investigation

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

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS19 of the West Berkshire Core Strategy (2006-2026).

14. Encountering protected species

In the event that bats and/or nesting birds or other protected species are encountered during the course of the planned work, the work should stop immediately and a licensed ecologist called to site to provide advice on how to proceed. Work should recommence only if a report by a suitable qualified ecologist has first been submitted to and approved in writing by the Local Planning Authority. The report should show the identified protected species and the proposed mitigation measures. Thereafter all works shall be undertaken in accordance with the requirements of the approved report.

Reason: To ensure the protection of bat, nesting bird species and other protected species, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS17 of the West Berkshire Core Strategy (2006-2026).

15. Landscaping

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

16. Landscape Maintenance

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No development or other operations shall commence on site until details of the maintenance of the proposed landscape scheme have been approved in writing and shall include an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

- c) Details of soil preparation, plant protection, watering and weeding.
- d) Any trees shrubs or plants that die, become seriously damaged or die within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

17. Tree protection scheme

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

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

18. Tree Protection – Construction Precautions

No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informative:

Access construction

The Highways Manager, West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at

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least four (4) weeks notice, to obtain details of underground services on the applicant's behalf.

Excavation in close proximity to the highway

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

Incidental works affecting the highway

Any incidental works affecting the adjoining highway shall be approved by and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 519169, before any development is commenced.

Minimisation of noise on construction and demolition sites

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

Footpath must not be affected or obstructed at any time

The footpath must not be adversely affected or obstructed at any time. No alteration of its surface may take place without the prior approval of the West Berkshire Council Public Rights of Way Team.

93. Appeal Decisions relating to Eastern Area Planning

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

(The meeting commenced at 6.30 pm and closed at 7.20 pm)

CHAIRMAN

Date of Signature