

Notice of Meeting



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Eastern Area Planning Committee Wednesday, 30th March, 2022 at 6.30pm In the Second Floor Meeting Area Council Offices Market Street Newbury

The Council will be live streaming its meetings.

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team (planningcommittee@westberks.gov.uk) by no later than 4.00pm on Tuesday 29th March, if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the meeting area. Remote attendance at the meeting is therefore encouraged at this time.

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 22 March 2022

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: planningcommittee@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 30 March 2022
(continued)

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Democratic Services Team on Email: executivecycle@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 30 March 2022
(continued)

To: Councillors Graham Pask (Chairman), Alan Macro (Vice-Chairman),
Jeremy Cottam, Alan Law, Tony Linden, Ross Mackinnon, Geoff Mayes,
Richard Somner and Keith Woodhams

Substitutes: Councillors Graham Bridgman, Nassar Hunt, Owen Jeffery, Joanne Stewart
and Andrew Williamson

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting.
2. **Minutes** To Follow
To approve as a correct record the Minutes of the meeting of this Committee held on 9th March 2022.
3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**
(*Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.*)
 - (1) **Application No. & Parish: 21/03222/FUL - Middle Wood, Hatch Lane, Chapel Row, Berkshire** 5 - 28

Proposal: Installation of Glen Farrow GF175 Biomass Boiler and "40ft" log drying container. Section 73 application to remove conditions 5 (nil import of lumber) and 6 (benzo [a] pyrene) of approved application 21/02398/FUL.

Location: Middle Wood, Hatch Lane, Chapel Row, Berkshire, RG7 6NY

Applicant: PJ Forestry

Recommendation: Grant planning permission subject to conditions



Agenda - Eastern Area Planning Committee to be held on Wednesday, 30 March 2022
(continued)

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke
Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.



Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/03222/FUL Bucklebury	11 th February 2022 ¹	Installation of Glen Farrow GF175 Biomass Boiler and "40ft" log drying container. Section 73 application to remove conditions 5 (nil import of lumber) and 6 (benzo [a] pyrene) of approved application 21/02398/FUL. Middle Wood, Hatch Lane, Chapel Row, Berkshire, RG7 6NY PJ Forestry

¹ Extension of time agreed with applicant until 1st April 2022

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/03222/FUL>

Recommendation Summary:	Grant planning permission subject to conditions
Ward Member:	Councillor Graham Pask
Reason for Committee Determination:	The Council has received in excess of 10 objections.
Committee Site Visit:	23 rd March 2022

Contact Officer Details

Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel No:	01635 519111
Email:	Michael.butler@westberks.gov.uk

1. Introduction

1.1 On 23rd November 2021, the Council granted planning permission for the installation of a Glen Farrow GF175 Biomass Boiler and “40ft” log drying container at the application site, subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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. The development hereby permitted shall be carried out in accordance with the following approved plan: Hayward Architects drawing number A2 21/114 O1A, dated Sept 2021.

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

3. The wood burner/dryer hereby permitted shall not be operated unless the flue has a spark inhibitor attached at all times. The plant shall be maintained in good condition, in accordance with manufacturer specifications at all times.

Reason: To ensure on site safety in accord with protecting the ancient woodland from fire in accord with the advice in policy CS17 of the West Berkshire Core Strategy 2006-2026.

4. The wood container hereby permitted must be painted a dark green colour before put into use.

Reason. To respect local amenity in accordance with policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

5. At no time shall any wood/lumber be imported into the site for processing/drying with the development hereby permitted.

Reason: To ensure no unnecessary truck/HGV movements are encouraged to and from the site given the poor immediate road access to the site via Hatch Lane in accordance with the policy CS13 of the West Berkshire Core Strategy 2006-2026.

6. No waste ash shall be transported from the site until it is tested for benzo [a] pyrene. If more than 2.2mg/kg of ash is found the ash must be transported off site as a hazardous by product to an approved waste site.

Reason: To protect public health and safety in accord with the advice in the NPPF on public health.

1.2 This application is made under section 73 of the Town and Country Planning Act seeking planning permission for the same development of land without complying with conditions 5 and 6 of planning permission 21/02398/FUL, in essence seeking the removal of these two conditions.

1.3 This original planning permission for the siting of a wood drying steel container with an associated boiler has been implemented on the site. Condition 5 on the permission sought to ensure that no lumber could be imported to the application site. Condition 6 sought to ensure that benzo [a] pyrene, a contaminant to public health, was monitored on the site before disposal off site.

- 1.4 The application site includes the access from Hatch Lane to the east of about 340m distance, and the main wood processing yard. This incorporates a number of barns/outbuildings, including the storage of wood and the drying container. To the south of the red line site (in the blue line) lies a temporary mobile home where the applicant lives, tied to the forestry use/operation on the site. To the south of that lies further woodland/stock piles.
- 1.5 The applicant currently imports lumber to the site, for the continued commercial operation of the yard so he is concerned from a business point of view if this method was curtailed in the future. This is said to be because the amount/volume of timber growing on the application site as whole is not sufficient in his view to maintain the current expanding lumber business.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
09/01424/AGRIC	Erection of shelter for workers, to include restroom, first aid point and storage.	Prior approval not required September 2009
10/00317/AGRIC	Store for wood processing equipment.	Prior approval not required March 2010
11/00924/AGRIC	Three drying sheds and a tractor store.	Prior approval not required June 2011
11/01581/AGRIC	Proposed hardstanding and turning circle.	Application required August 2011
11/02021/FUL	Area of hardstanding—part retrospective.	Permission granted November 2011
12/01227/FUL	Circular bund within sustainable forestry operation - retrospective.	Permission granted December 2012
16/03176/FUL	Change of use of land to residential for the positioning of a temporary mobile home as a forestry worker's dwelling (application for 3 years)	Permission granted March 2017
20/00261/FUL	Change of use of land to residential for the positioning of a temporary mobile home as a forestry worker's dwelling (application for 3 years). Section 73A application to vary	Permission granted April 2020

	Condition 1 of previously application 16/03176/FUL to allow the retention of the forestry worker's dwelling until 24th March 2023.	
21/00760/AGRIC	Application to determine if prior approval is required for agricultural/forestry development under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Proposed development: Wood store for drying wood	Prior approval not required April 2021
21/02398/FUL	Installation of Glen Farrow GF175 Biomass Boiler and "40ft" log drying container.	Permission granted November 2021

- 2.2 As illustrated above, there has been a series of applications and notifications submitted to the Council since 2009 as a forestry operation has established on the site. Some of the development has been undertaken under permitted development (those with AGRIC suffixes) and others have been granted permission via applications made to the Council (those with FUL suffixes).

3. Procedural Matters

- 3.1 **EIA:** This application does not require screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.2 **Publicity:** A site notice was erected on the 7th January 2022. The deadline for comments expired on the 28th January 2022.
- 3.3 **CIL:** The application if approved, will not be CIL liable.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Bucklebury Parish Council:	<p>This is one of the most difficult applications BPC have been asked to comment on.</p> <p>BPC is generally supportive of local businesses and this site is no exception. In respect of this site, BPC has offered both objection and no objection to applications in the past.</p> <p>It is not clear to BPC whether the inclusion of condition 5 in relation to the approval of the Biomass boiler under application 21/02398/FUL was meant to prevent all lumber from being</p>
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imported to the site. BPC doesn't understand this and seeks clarification from WBC on how such an overarching condition can be attached to the approval for a biomass boiler.

BPC thinks the Condition should be defined and interpreted such that no lumber can be imported purely for drying within the Biomass boiler i.e. any lumber dried by the boiler needs to be processed (stored, seasoned, cut and split) on the site.

There seems to be a misconception by a number of people that a current restriction exists preventing any importation of lumber. BPC can find no evidence to that effect in any previous application on the site. When BPC responded to application 16/03176/FUL for the temporary mobile home on the site, BPC said that any assessment of viability should be based solely on lumber taken from the 60 acres within Middle Wood. BPC do not believe any condition was added to the approval in respect of that assessment or the site in general.

There is clearly an issue with some local residents in respect of the traffic entering and exiting the site. However until the Biomass boiler application there was no issue raised from Highways in relation to the site. The words included in the 2016 approval are:

6.4.5 The Council's highways service have reviewed the proposed plans raising no objections. Adequate car parking and access is available. It is therefore considered that the proposed development will comply with the criteria contained within Policy CS13 of the WBCS and the NPPF.

On the 21/02398/FUL application, the Highways authority made this comment

Highways Authority: No views to make on the application.

Later the Highways department decided to add this comment which resulted in Condition 5.

HIGHWAY MATTERS The highways officer has confirmed that there are no implications arising from the development. The case officer concurs. There is no additional wood being brought onto the site but simply wood grown and cut on site will be more expeditiously dried. However given the concerns raised by the objector about wood importation in the future, should that occur a condition will be applied ensuring this is not done, in the interests of protecting highways safety and local amenity.

It is very clear from this comment that Highways have not understood the operations at the site. The site has been importing lumber for many years and BPC stated this fact in response to the 2016 application. BPC think it is incumbent on WBC Highways department to, not only understand the operations at the site but also conduct a proper survey of the traffic entering and exiting the site but also how the volume impacts traffic along Hatch Lane. Highways should be looking at factual evidence and information supplied by both the applicant and residents along Hatch Lane concerned about the traffic

	<p>movements. The inference in the paragraph above is that Highways relied on the concerns raised by one objector.</p> <p>BPC think an agreement needs to be reached with the applicant and residents of Hatch Lane in conjunction with WBC in respect of the movements. Clearly an agreement may be difficult to enforce due to a shortage of WBC resources but this should not preclude an agreement being put in place that could be enforced.</p> <p>In the meantime, the interpretation of condition 5 must be limited such that no lumber should be imported for drying within the Biomass boiler i.e. any lumber dried by the boiler needs to be processed (stored, seasoned, cut and split) on the site. The current interpretation must be changed so the applicant's business is not damaged to the extent that up to 40% of their business could be lost after the current stocks stored at Middle Wood are used up.</p>
Highways:	<p>No objection is raised on the basis that the level of lumber lorries into the site [about 1 per week maximum] is certainly not sufficient to justify a recommendation of refusal on highways safety grounds along Hatch Lane.</p>
Environmental Health:	<p>The condition regarding benzo (a) pyrene is a tricky one. It is not saying that ash cannot be incorporated into arable land under any circumstances. It requires the ash to be tested so that incorporation of ash doesn't cause the receiving land to be excessively contaminated. If the wood burner is working properly the levels of benzo (a) pyrene should be ok. Obviously if the ash is spread far and wide, the overall concentration of benzo (a) pyrene per acre will be less than if it is distributed over a very small area.</p> <p>I understand that the ash will be stored in skips and I assume that it will only be incorporated into the land once a year so the condition merely requires a few samples to be randomly taken from the stockpile and tested once a year. The results will then determine the acreage that can safely be fertilised so that the Defra "Suitable For Use Level" (S4UL) for benzo (a) pyrene of soil is not exceeded.</p> <p>Obviously if the same field is fertilised with ash once a year levels of benzo (a) pyrene will build up over time to the point where the land is too contaminated to grow crops in. I suggest that a few random samples of soil should be taken from representative areas of treated fields to establish the level of benzo (a) pyrene per kg of soil after each application of wood ash fertiliser, but this is not a requirement of the planning condition. This is a risk that the farmer must manage.</p> <p>Although the planning condition actually safeguards the interests of the applicant, the farmer(s) and consumers I note that the applicant now has a waste exemption from the Environment Agency, which is germane, so the condition should be removed.</p>

	The risk will still need to be managed in a responsible way though, hopefully as per my explanations above. To not do so places the applicant, the farmer(s) and consumers in jeopardy. End-product safety legislation and civil action remain applicable.
Emergency Planning:	No adverse comments.
Tree officer:	No objections.
North Wessex Downs AONB:	No response.
Archaeology:	There is no archaeological impact from this proposal.
Ecology:	No response.
Office of Nuclear Regulation:	ONR has no comment on planning application reference: 21/03222/FUL as it does not meet ONR's consultation criteria.
Lead Local Flood Authority:	No response.

Public representations

4.2 Representations have been received from 17 contributors, all of which object to the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- The increased traffic along Hatch Lane is not acceptable in terms of public safety.
- Impact on local amenity of local residents/users of the road which is much used by local walkers.
- Unacceptable increase in intensity of the business on the site over the years such that it is no longer appropriate in a rural area.
- Application contrary to the advice in policy CS13 in the Core Strategy.
- Detrimental impact on wildlife along Hatch Lane and beyond.
- Overall direction of travel of business is not acceptable –will it be further residential development in the future?
- The application should be refused, and the current condition enforced properly.
- Industrialisation of this attractive rural area in the AONB, well outside any settlement.
- Contrary to policy.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application:

- Policies ADPP1, ADPP5, CS10, CS13 and CS14 of the West Berkshire Core Strategy 2006-2026 (WBCS).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24

6. Appraisal

6.1 The main issues for consideration in this application are:

- Decision making context
- Policy context
- Expansion and adaption of rural business
- Highway and amenities impact
- Condition 6: Benzo(a)pyrene

Decision making context

6.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of the development.

6.3 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

6.4 A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

6.5 As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.

6.6 On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Policy context

- 6.7 According to the NPPF, planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 81).
- 6.8 Specifically in terms of supporting a prosperous rural economy, paragraph 84 states that planning decisions should enable, amongst others: (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and (b) the development and diversification of agricultural and other land-based rural businesses.
- 6.9 Paragraph 85 continues that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 6.10 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP5 and CS10 of the Core Strategy. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP5) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policy CS10 relates specifically to the rural economy.
- 6.11 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.12 Policy ADPP5 is the spatial strategy for the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Relatively limited housing growth is planned within this protected landscape. Recognising the area as a national landscape designation, the policy envisions that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open Downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty.
- 6.13 According to Policy CS10, proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area. Proposals for appropriate farm

diversification will be supported where it can be demonstrated that the proposal will make a long-term contribution to sustaining the agricultural enterprise as a whole.

Expansion and adaptation of rural business

- 6.14 In order for the Committee to take an informed decision on this application it is necessary to set out a brief background to the site as a whole. An examination of the planning history shows that the initial developments on the site largely related to permitted development rights corresponding to forestry operations as defined in the General Permitted Development Order (GPDO) of the time. Therefore much of the start-up works did not require a planning application. These are the four records with the AGRIC suffix in the planning history.
- 6.15 Following on from this clearly the business has grown and expanded, and the culmination of this in 2016 was the Council approval for the temporary mobile home, largely but not solely granted on the basis of achieving a necessary level of security on the site for all the increasing level of infrastructure on the site. This mobile home has been provided a longer time period to March next year, in recognition of the expanding forestry business. It is recorded against application 16/03176/FUL that the importation of lumber was occurring at that time.
- 6.16 Application 21/02398/FUL sought planning permission for the wood store and biomass boiler. This was permitted, but conditions 5 and 6 applied. The former was applied as noted in the delegated officer report, in recognition of the level of local objection about worries over the importation of lumber. This is despite no objections from the Highway Officer to align with that public objection. What has become apparent since the determination of that application, is that a closer examination of the overall planning history of the site has shown a reasonably high level of wood import over a number of years (at least 6) and the wood drying business now permitted relies on lumber imports in addition to the woodland on site.
- 6.17 Policy CS10 in the Core Strategy notes that existing small and medium sized rural businesses should be supported where possible: so as to provide local job opportunities and maintain the vitality of local settlements. It is considered that the present business on site aligns with this policy, since it is not a large business (in that only two are employed on the site) and the provision of timber for local burning is recognised as being a valuable resource in an area of limited gas supplies via the mains. In addition in policy ADPP1 which addresses the overarching strategy for development across the District, in the last criterion, it notes the limited development in open countryside, where the support of a strong local economy is noted. This is re iterated in bullet point 5 in the economy section of policy ADPP5 which considers the control of new development across the AONB in which the application site is located.
- 6.18 Next, in paragraphs 84 and 85 of the NPPF, this encourages local planning authorities to enable new businesses in rural areas, and indeed growth and expansion as is occurring in this case. In paragraph 85 it states that local community needs should be met. It is considered that this business site achieves these objectives.
- 6.19 It is accordingly clear that the policies both locally and nationally is to encourage local land based employers such as this which is clearly related to ongoing forestry operations. It is considered that demonstrable harm must be identified if such applications are to be rejected.

Highways and amenity impacts

- 6.20 Concern has been raised in the public objections in relation to the traffic impacts of the development with the removal of condition 5. This concern is both in relation to highway safety and local amenity.
- 6.21 The applicant has stated in his supporting statement that only about 5-6 large lorry loads of lumber are imported to the site in a year. This is clearly inaccurate as evidence from local objectors has shown that such movements occur on a far more regular basis. Nevertheless, the Highways Officer has noted that even if there were one vehicle per day on Hatch Lane this would not be sufficient for him to recommend refusal on highways safety grounds. Paragraph 111 of the NPPF gives clear advice that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on local safety, or the residual cumulative impact would be severe.” The Highway Officer has advised that, whilst he recognises the width and alignment of Hatch Lane is not conducive to heavy goods vehicles, nevertheless it is still an “unrestricted “ highway for such vehicles, and unless movements are for example one per day, the refusal of planning permission could not be sustained.
- 6.22 Following negotiations with the applicant, written agreement has been obtained from the applicant that no more than 1 HGV lumber delivery will be made per week to the site. This would equate to no more than 52 per year. It is considered that this can be adequately controlled by condition. This is viewed as being an acceptable compromise in terms of the overall application context, given the need to support this rural business but also to balance the highways and amenity impacts of the lumber deliveries.
- 6.23 It is accepted in the supporting text to Core Strategy Policy CS13 (Transport) in paragraph 5.85 that road safety is a key consideration for all new development and the focus on pedestrians and cyclists is significant. However whilst it may be desirable to limit the movement of HGVs on Hatch Lane, demonstrable harm to such safety must be demonstrated and the Highway Officer does not accept this threshold has been reached. Regard has also been given to the level of objection received, however there is not considered to be any substantive evidence that the projected vehicle movements would cause demonstrable harm and sustain a reason for refusal.
- 6.24 Some objectors raise concerns regarding the recent intensification of the business and forestry operations on the site. It is considered that intensification can be reasonably and necessarily controlled through the use of a planning condition limiting lumber transport movements, and that this is relevant to this application seeking the removal of the current restriction. Whilst intensification in itself does not require planning permission, the proposed condition would serve to exercise a degree of control over inappropriate intensification and, importantly, the potential adverse effects of intensification. Any future proposal to increase lumber importation beyond the limits of the proposed condition would require a planning application that would be considered on its merits.
- 6.25 Whilst the existing enterprise has established and expanded under permitted development, and this application can only consider the implications of the two aforementioned conditions, it is considered that forestry and compatible uses are appropriate in such rural areas. It is also noted that the centre of operations is nearly 350 meters from the closest dwelling (aside from the linked mobile home).

Condition 6: Benzo(a)pyrene

- 6.26 Benzopyrene is a hydrocarbon that is the result of incomplete combustion of organic matter, and one main source of atmospheric benzopyrene is wood burning. Condition 6, relating to the benzopyrene, was applied due to concerns from the Environmental

Health Officer about waste ash residue being spread on agricultural fields beyond the application site, to unhealthy levels. It is dangerous since in high concentrations it can be carcinogenic.

- 6.27 As seen from the Environmental Health Officer's consultation response to this application, the fact that the applicant now has an Environment Agency exemption notice means this potential problem no longer lies within the legislative remit of the Local Planning Authority.
- 6.28 It is an established principle that the planning system should not seek to duplicate other regulatory regimes, and planning decision makers should assume that these regimes will function adequately. The Planning Practice Guidance advises that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the application to obtain further planning approvals or other consents may be more appropriate.
- 6.29 Now that a waste exemption has been granted to the applicant from the Environment Agency, the Environmental Health Officer advises that the condition should be removed.

7. Planning Balance and Conclusion

- 7.1 The representations and concerns raised by the objectors are understood and are considered entirely legitimate planning considerations. Rural businesses, by their very presence and character, can have some impact on the local area, not always welcomed. However, it is clear from both local and national policy that the encouragement of local rural businesses in providing local employment and sustaining local services is an important component in the consideration of applications such as this. The level of traffic associated with the relaxation of condition 5 is not considered objectionable having regard to national policy and it is considered that the proposed condition could secure an appropriate level of lumber importation that would safeguard the local environment. The removal of condition 6 is acceptable as the planning system does not need to duplicate other controls that are now in place.
- 7.2 Accordingly, it is recommended that the application is approved with the deletion of previous conditions 5 and 6, but subject to a new condition regarding the vehicle movements associated with lumber importation.

8. Full Recommendation

- 8.1 To delegate to the Service Director of Development and Regulation to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

Conditions

1. **Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plan: Hayward Architects drawing number A2 21/114 O1A, dated Sept 2021.

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

2. **Spark inhibitor**

The wood burner/dryer hereby permitted shall not be operated unless the flue has a spark inhibitor attached at all times. The plant shall be maintained in good condition, in accordance with manufacturer specifications at all times.

Reason: To ensure on site safety in accord with protecting the ancient woodland from fire in accordance with Policy CS17 of the West Berkshire Core Strategy 2006-2026.

3. **Colour**

The wood container hereby permitted must be painted a dark green colour within two months of the date of this permission.

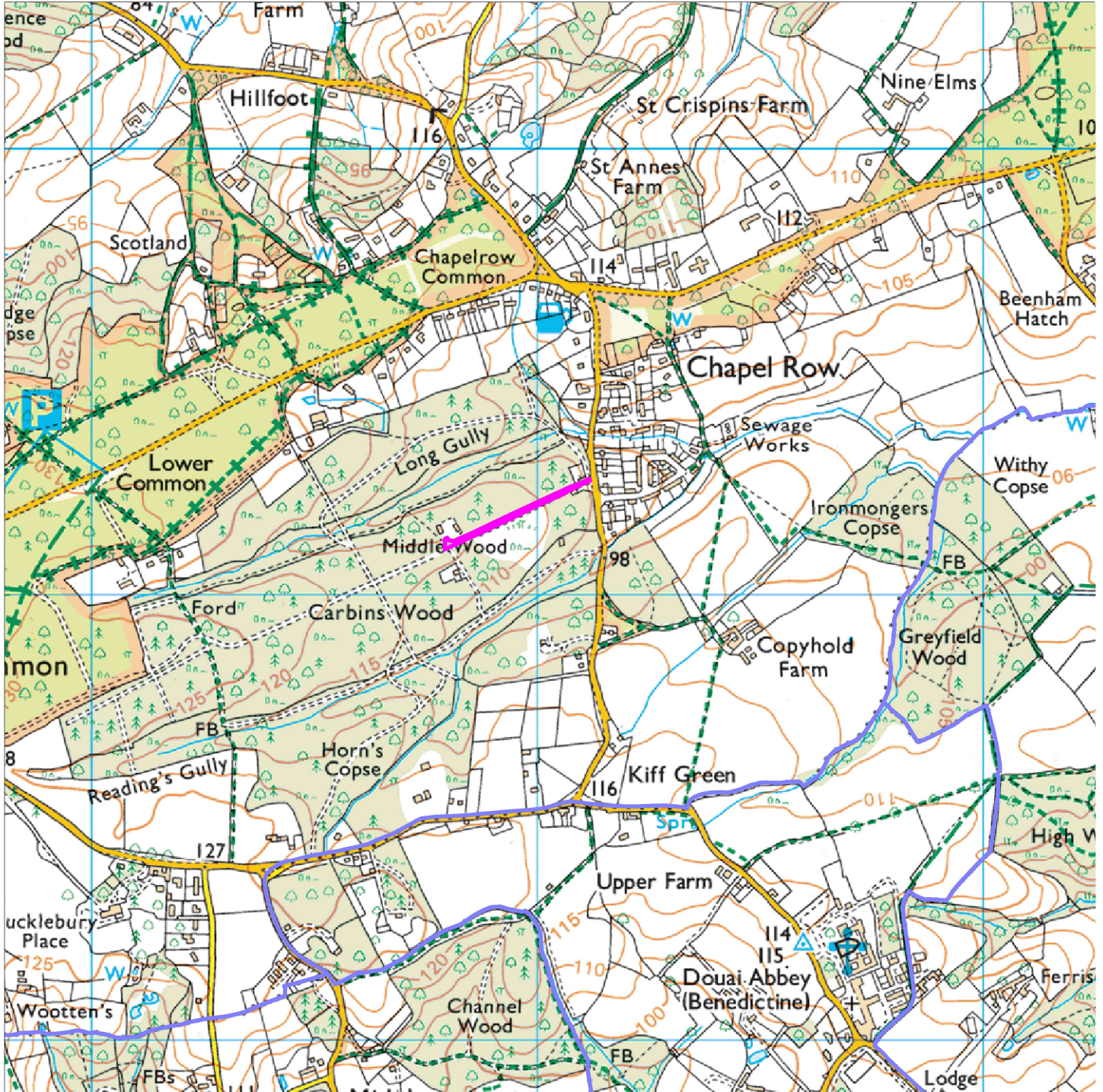
Reason. To respect local amenity in accordance with policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

4. **Lumber deliveries**

No more than one HGV delivery to the site of lumber to be dried and/or processed on the application site shall take place in any given week. A delivery log shall be maintained on site and made available for inspection by the Local Planning Authority upon request.

Reading: To ensure that the development does not have a severe impact on local traffic, and in the interests of neighbouring amenity. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

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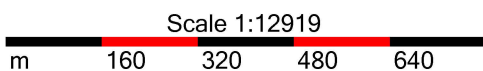
Map Centre Coordinates :

Scale : 1:12919

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	17 March 2022
SLA Number	0100024151



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Plans and drawings relevant to reports submitted to Eastern Area Planning Committee

Wednesday 30th March 2022 at 6.30pm

**At Council Chamber, Council Offices, Market Street,
Newbury, RG14 5LD**

And via Zoom

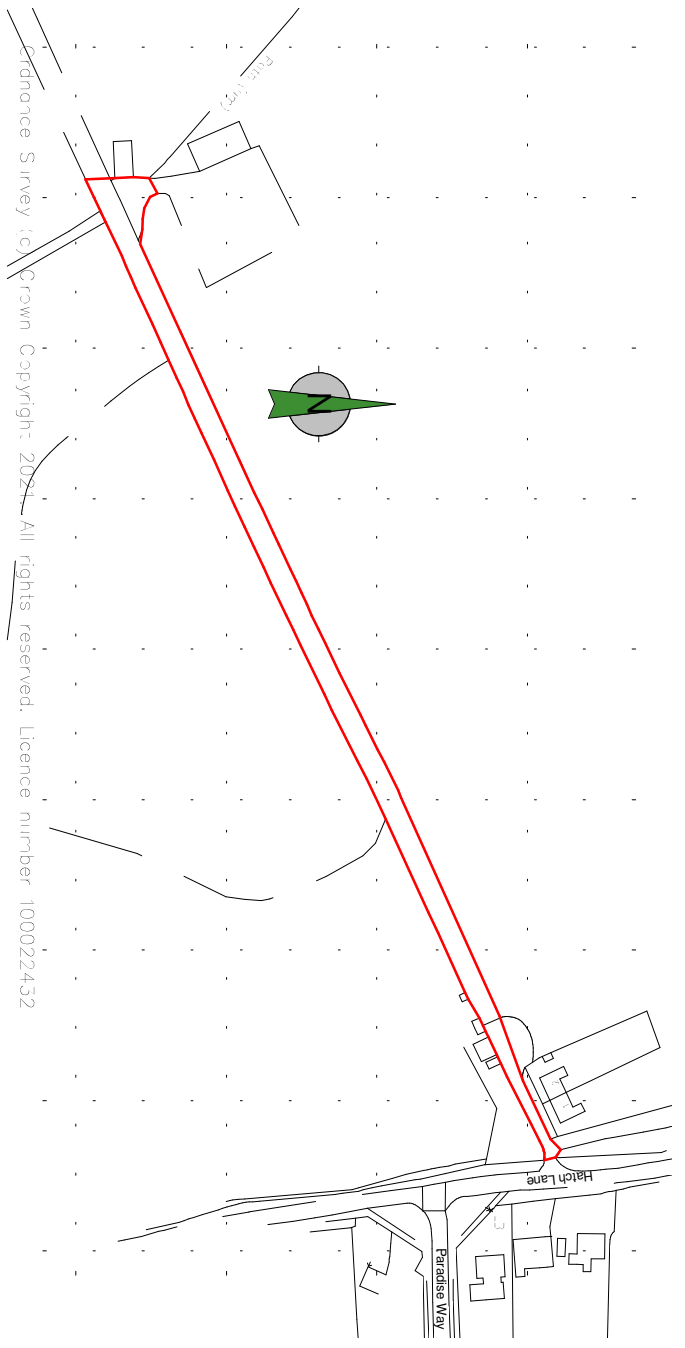
[to be read in conjunction with the main agenda]

Please note:

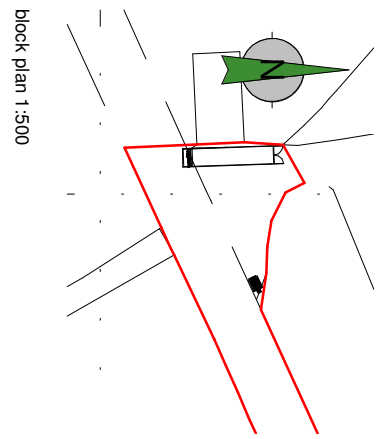
- *All drawings are copied at A4 and consequently are not scalable*
- *Most relevant plans have been included – however, in some cases, it may be necessary for the case officer to make a selection*
- *All drawings are available to view at www.westberks.gov.uk*



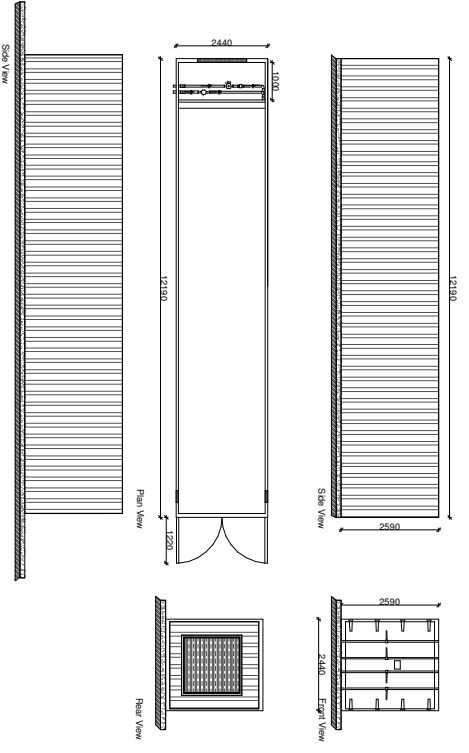
21/03222/FUL
Middle Wood
Hatch Lane
Chapel Row
RG7 6NY



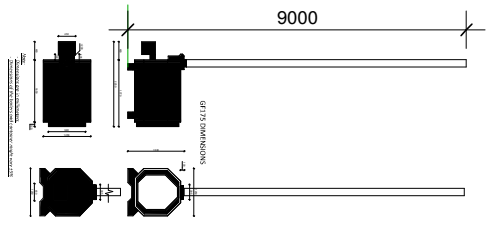
site location 1:1250



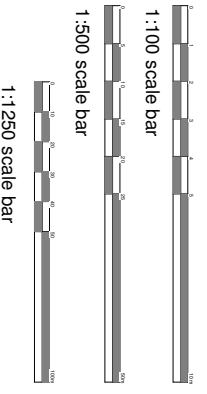
block plan 1:500



40ft log drying container 1:100



GF175 boiler 1:100



Client Glenn Farrow Ltd		Date 21/11/14		Sheet 01A	
Project Title Proposed Boiler PJ Forestry Reading		Date SEPT 21		Scale A2	
Drawing Title Proposed Boiler		Checked By LW		Drawn By LW	
hayward ARCHITECTS LTD 19 Sibley Road Reading, RG1 1JH Tel: 01495 655 665 Fax: 01495 618 971 www.haywardarchitects.co.uk		Date 21/11/14		Drawing No. 01A	
PLANNING					

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Hayward Architects
Mr Lee Ward
Ground Floor
19 Station Road
Hinckley
LE10 1AW

Applicant:
Glen Farrow Ltd

PART I - DETAILS OF APPLICATION

Date of Application

21st September 2021

Application No.

21/02398/FUL

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Installation of Glen Farrow GF175 Biomass Boiler and "40ft" log drying container.

Middle Wood, Hatch Lane, Chapel Row, Reading West Berkshire RG7 6NY

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council **GRANTS** planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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. The development hereby permitted shall be carried out in accordance with the following approved plan: Hayward Architects drawing number A2 21/114 O1A, dated Sept 2021.

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

3. The wood burner/dryer hereby permitted shall not be operated unless the flue has a spark inhibitor attached at all times. The plant shall be maintained in good condition, in accordance with manufacturer specifications at all times.

Reason: To ensure on site safety in accord with protecting the ancient woodland from fire in accord with the advice in policy CS17 of the West Berkshire Core Strategy 2006-2026.

4. The wood container hereby permitted must be painted a dark green colour before put into use.

Reason. To respect local amenity in accordance with policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

5. At no time shall any wood/lumber be imported into the site for processing/drying with the development hereby permitted.

Reason: To ensure no unnecessary truck/HGV movements are encouraged to and from the site given the poor immediate road access to the site via Hatch Lane in accordance with the policy CS13 of the West Berkshire Core Strategy 2006-2026.

6. No waste ash shall be transported from the site until it is tested for benzo [a] pyrene. If more than 2.2mg/kg of ash is found the ash must be transported off site as a hazardous by product to an approved waste site.

Reason: To protect public health and safety in accord with the advice in the NPPF on public health.

The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

- 1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
- 2 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

3 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.

Decision Date :- 23rd November 2021

A handwritten signature in black ink, appearing to read 'EO', with a long horizontal stroke extending to the right.

Eric Owens
Service Director – Development and Regulation

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online using the Planning Portal at www.planningportal.co.uk.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.