

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 30 MARCH 2022**

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

**Also Present:** Jessica Bailiss (Policy Officer (Executive Support)), Bob Dray (Development Control Team Leader), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Michael Butler (Principal Planning Officer) and Beth Varcoe (Solicitor)

**Apologies for inability to attend the meeting:** Councillor Jeremy Cottam

### **PART I**

#### **39. Minutes**

The Minutes of the meeting held on 9<sup>th</sup> March would be brought to the next meeting of Eastern Area Planning Committee for approval.

#### **40. Declarations of Interest**

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

#### **41. Schedule of Planning Applications**

##### **(1) Application No. & Parish: 21/03222/FUL - Middle Wood, Hatch Lane, Chapel Row, Berkshire**

*(Councillor Graham Pask declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was the Ward Member and knew some of those who had objected to the application and the applicant. He had however, not pre-determined the item and would listen to and take part in the debate on the item.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/03222/FUL in respect of the Installation of a 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.

Mr Michael Butler (Principal Planning Officer) introduced the report and highlighted the key points.

In accordance with the Council's Constitution, John Brimms, Bucklebury Parish Council representative, Ann Athawes, objector, and Mr Wakelyn (PJ Forestry), applicant/agent and Councillor Graham Pask (Ward Member) addressed the Committee on this application.

##### **Parish Council Representation:**

Mr John Brimms in addressing the Committee raised the following points:

## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

- He was representing Bucklebury Parish Council (BPC) and was pleased to see the recommendation from West Berkshire Council Planning Officers for the variation of condition five to replace it with a more reasonable restriction of one HGV vehicle per week to the site. This would enable the applicant to continue with his business but also alleviate some of the concerns of residents.
- The description of a HGV was a large lumber lorry and did not include the applicant's tractor and trailer, which was also used for moving lumber.
- BPC was pleased to see that the concerns of residents along Hatch Lane had been taken into account. They were concerned regarding traffic to and from the site, particularly during times when school children would be walking to and from the bus stop on Chapel Row. BPC encouraged the applicant to avoid using the route at these times and to use social media when large HGV movements were expected.
- BPC was supportive of local businesses and the site in question was no exception. BPC has taken a balanced view to applications in the past.
- BPC could not understand why condition five was imposed purely in relation to approval of the biomass boiler and application 21/2398 when there was no previous importation of timber restrictions on any other application.
- BPC was pleased a solution had been reached between West Berkshire Council (WBC) and the applicant, which was capable of being enforced and was hopefully seen as a compromise by the residents of Hatch Lane.

### **Member Questions to the Parish Council:**

Councillor Alan Law referred to comments raised regarding the distinction between HGVs and tractors and trailers. He noted from comments from BPC that they were referring to tractors and trailers coming into the site however, it was not clear how many times this was happening. Councillor Law stated that the tractor he had seen on site was large and the applicant was using it to bring in lumber from not too far away. Nowhere in the report did it state how many times a week this was happening. Mr Brimms stated that he did not know the answer to this however, he believed that the movement of the tractor and trailer was greater than HGVs movements. He understood from the nature of the business that there would be more movements at certain times of the year than others and this related to when lumber was available in the local area.

Councillor Law stated to the Chairman that he felt the decision on the application hinged around some of the volumes queried. It was possible that this could be clarified by the Officers later on.

Councillor Ross Mackinnon referred to Councillor Law's comments regarding the distinction between a tractor and a trailer and a HGV. He queried why it was considered that the tractor and trailer would not have the same impact on the roads as a HGV. Mr Brimms stated that if you looked at the definition of a HGV it was a lorry. The point he was trying to make was he wanted to avoid there being a problem in the future because the definition was not clear.

### **Objector Representations:**

Ms Ann Athawes in addressing the Committee raised the following points:

- She expressed huge disappointment and concern amongst herself and other residents to the response within the Committee report to the application to remove condition five. It seemed to be overly biased towards one resident's business over consideration to over 90 families who lived directly or indirectly on Hatch Lane.

## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

- Ms Athawes did not understand how nil import of lumber could become no more than one HGV delivery of lumber in any given week, which felt incomprehensible.
- The case Officer's November report had stated 'poor immediate road access to the site via Hatch Lane' and had provided a reason for condition five of protecting highway safety and amenity.
- Residents had raised concerns about increases in traffic particularly heavy and evidence of this increase had been provided in 2021. Ms Athawes queried why the Committee would consider it acceptable to permit an even greater lumber importation.
- Ms Athawes queried if the Highways Officer had walked along Hatch Lane, particularly near the junction to the Blade Bone Inn where the road narrowed significantly leaving no-where for pedestrians. She queried if the Highway's Officer had observed the height, width and weight of the huge articulated timber lorries loaded with lumber or had imagined driving down the narrow part of the lane.
- In January 2017 the previous case Officer and Councillor Graham Pask had been informed of the huge articulated lorries full of lumber going into Middle Wood and causing damage to trees, hedging and a property.
- Hatch Lane was an unrestricted highway however, was a rural lane that had never been widened and pavements had not been added. Through planning applications the business in question had been allowed to grow and intensify, without considering that Hatch Lane did not provide a suitable access.
- Ms Athawes queried what constituted an HGV. The applicant had always used his tractor and trailer in addition to articulated lorries to import lumber. Ms Athawes suggested the photos provided be viewed as they showed that these were not small trailers. Ms Athawes queried if the applicant would argue that a tractor and trailer was not a HGV and continue to use this method of importation as well, further increasing heavy traffic.
- BPC had suggested that an agreement be reached between the applicant and residents of Hatch Lane in conjunction with West Berkshire Council regarding lumber movements. Ms Athawes reported that residents had not been approached about this.
- Greater numbers of deliveries to Middle Wood meant greater amounts of timber produce going out. There were also greater numbers of vehicles coming into the site to pick up orders and then going out again and Mrs Athawes asked if the Committee had considered this additional business traffic.
- Ms Athawes questioned if the management of woodland moving to the addition of wood importation in order to support business expansion was a change of use of the land. Concerns had been raised in the past by BPC as to whether a wood of 60 acres could provide enough income to sustain someone living on site.
- The applicant had said recently that he had needed to import wood in order to run his business. There was nothing to stop the land being sublet to other businesses.
- Finally Ms Athawes hoped the Committee was aware that their decision would impact on not just her family but also the other 90 families who lived on Hatch Lane.

### **Member Questions to the Objector:**

## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

Councillor Mackinnon asked what Ms Athawes assessment was of the difference between the impact on local roads from the tractor and trailer and HGVs. Ms Athawes stated that her assessment had been logged and handed to Mr Butler at WBC and Mr Brimms from BPC. It listed the number of tractor and trailer and lorries that came into the site. It was felt that both types of vehicle were having an impact. The tractor and trailer was not small and was packed with logs. The amount of journeys fluctuated and Ms Athawes referred to her traffic log where it could be seen that on one day in January the site had been accessed four times. The tractor and trailer was large and noisy and then there were the huge articulated lorries accessing the site. It was a village lane and was being impacted by the expansion of the business, which in Ms Athawes view had gone beyond the management of woodland because wood was being brought in.

Councillor Law queried the matter of traffic volume. He noted from Ms Athawes comments that the amount of tractor and trailer journeys fluctuated. He queried how many tractor and trailer movements per week Ms Athawes had recorded. Ms Athawes was unable to answer this as she had not added the number up but the information including all tractor and trailer movements during 2021 was available on the planning portal and had been available since January 2022. Councillor Law queried if there was a tractor and trailer journey every day and Ms Athawes confirmed that there was not one every day but this did vary. Councillor Law wanted an average number provided regarding the number of movements and would raise this again during questions to officers. It was noted that Mr Michael Butler had a copy of Ms Athawes traffic log.

Councillor Alan Macro queried how regularly HGVs visited the site. Ms Athawes stated that she had provided this information to the planning officer. A couple of articulated lorries had gone into the site after the condition had been put in place and these movements had continued for a while. Recent weeks had however, been quiet.

The Chairman noted reference had been made to tractor and trailer and lorry movements however, queried if an indication could be given regarding the movements of smaller vehicles. Ms Athawes apologised for not being able to provide numbers however, had assumed everyone had been given access to the traffic log she had provided. Ms Athawes stated that all sorts of vehicles accessed the site and gave the example of Sayors Tree Services, which had been operating from the site for a long time but was not any longer. This business had used a large box truck, a van and a chipper and had been in and out of the site every working day. Concrete lorries and other heavy duty vehicles also accessed the site. Ms Athawes reported that as the business had expanded so had the level of traffic and reiterated that in November 2021 the access from Hatch Lane had been labelled as poor by Officers.

The Chairman reassured Ms Athawes that the Committee did have the necessary information referred to and Mr Butler would be questioned on the detail of this. Councillor Law added that Members did not read every detail but did rely on a very comprehensive summary provided by the Officer. Councillor Law was concerned that the numbers were not included in the report. The Chairman stated that these points would be raised with the Officer later on in the discussion.

### **Applicant Representations:**

Mr Wakelyn in addressing the Committee raised the following points:

- He had taken over PJ Forestry in 2012 after finishing forestry at college.
- The woodland had been in his family and it was managed in the same way as it would have been done in the 1960s. He was now able to make a living from the business.

## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

- The Government had introduced lots of new rules regarding the sale of fire wood to ensure it was dry and burnt more efficiently
- His business had recently joined Wood Sure, which regulated firewood supplies and that the fuel sold was dry and ready to burn. Mr Wakelyn explained that because of this the decision had been taken to buy the fallow biomass boiler, log drying kiln and build an extra barn to keep the logs dry.
- Planning permission had been sought in December 2021 for the biomass boiler and this was when the condition had been put in place by WBC to restrict bringing wood into the wood yard.
- WBC was aware that wood had been being brought in since 2016 as mentioned in the report, for the temporary mobile home. Mr Wakelyn explained that he was not looking to expand the business however, was looking to run it successfully as had been done over the last 10 years.
- A large amount of the wood came from the site at Middle Wood. Small amounts of wood also had to be brought in from neighbouring woodlands and it was used to produce firewood.
- Mr Wakelyn explained that he supplied the wood directly to domestic clients who used the wood for heating.
- He had recently taken on a young person who was looking to get into the industry and the level of work needed to be sustained to keep him busy.
- Regarding traffic movements, six loads of timber had been brought in during 2021 and then other smaller loads had been brought in with Mr Wakelyn's tractor and trailer about once or twice per week although this did vary. Mr Wakelyn stated that some of the photos that had been displayed in the traffic log were of construction traffic for the barn build in 2021, which was not relevant to the timber business. He did not agree with everything recorded in the traffic log as some of the numbers related to his personal car going to and from the site, which was not relevant to the application.
- The lorry drivers were all drivers that had regularly accessed the site and knew it well. Mr Wakelyn understood that there were some narrow spots along the lane that was used to access the site however, there were passing spaces. The traffic movement that the business added to the lane was minimal compared to other businesses close by including a farm. Mr Wakelyn felt that he was being blamed for all the traffic when it was not only his business using the road.
- Highways had not commented on the application and there was no restriction on the road. If there was an issue with the road a weight restriction would have been imposed.
- If the condition was not removed it would be detrimental to the business and he would be faced with the decision of possibly having to let his new member of staff go.

### **Member Questions to the Agent/Applicant:**

Councillor Tony Linden referred to page 16 of the report under section 8.1.2 and stated that when he had attended the site visit the biomass boiler was having some cooling problems and he asked for assurance that it had been repaired. Mr Wakelyn confirmed that it had been fixed and it was because it had been a hot day but the settings had not been changed over to the summer settings. The machinery was very complicated and Mr

## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

Wakelyn was still educating himself on how it worked. Councillor Tony Linden stated that he had further questions for Officers later on in the discussion.

Councillor Law stated that he had two questions. He estimated from comments that the tractor and trailer operated five to six times per week and he queried if this was correct and asked Mr Wakelyn to confirm the number of trips made per week with the lumber trailer. Mr Wakelyn stated that this varied greatly and it was very difficult to put a number on it. The number of trips changed on a weekly basis.

Councillor Law noted that a condition had been accepted of one HGV per week and queried if he would be willing to accept a maximum restriction on the number of trips made with the tractor and trailer. Mr Wakelyn stated that he would but queried if this would include him going out to other jobs. Councillor Law stated that it would include the tractor and trailer with the lumber. Mr Wakelyn was concerned because he used the tractor and trailer for other jobs. Councillor Law further queried how often the tractor and trailer was taken out with or without logs on it. Mr Wakelyn confirmed that most of the time when leaving the yard the trailer was empty and on average the tractor and trailer was taken out two or three times per week. Mr Wakelyn stated that again this varied largely and some weeks the tractor and trailer would make no journeys.

Mr Bob Dray stated that the forestry operations were not development and did not require planning permission and therefore the movements associated with this were not controllable by the Local Authority. The restriction in the condition related to purely to the importation of timber. It served the purpose of controlling the movements on the road and also the intensity of the development in terms of the processing and materials. Councillor Law felt the condition was possibly not written correctly. The Chairman explained that the Committee were able to make suggestions regarding amended conditions.

Councillor Mackinnon queried why condition five had been acceptable to Mr Wakelyn in November 2021 however, not in March 2022. The Chairman permitted Mr Butler to answer this question. Mr Butler stated that Mr Wakelyn had not been aware that the Planning Authority were going to impose condition five.

Councillor Mackinnon noted comments regarding importing six large lorry loads per year and queried if this was correct and Mr Wakelyn confirmed that it was. Councillor Mackinnon referred to section 6.21 of the report, which detailed that the Planning Officer viewed this number as inaccurate because evidence from local objectors had shown that this was happening on a far more regular basis. Mr Wakelyn stated that some of the pictures provided by local objectors were of Mr Wakelyn's tractor and trailer and not a lorry. Some of the pictures were also not of his vehicles but belonged to the farm up the road.

Finally Councillor Mackinnon asked how many people Mr Wakelyn employed. Mr Wakelyn confirmed that he had one full time employee and his sister who worked for him two days per week.

### **Ward Member Representation:**

The Chairman, Councillor Graham Pask, in addressing the Committee raised the following points:

- He began by echoing the words of BPC that it was one of the most difficult applications BPC and he had been asked to comment on.
- It was a rural business that included cutting up logs, drying them and selling them mainly to people in rural areas. Councillor Pask stated that he supported local rural businesses, which this was.

## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

- Middle Wood was one of six parcels of land, which was comprised of Carbins Wood, which had been a large area that was sold off in six parcels about 15 years ago. It was operated prior to this by lease and was owned by the Forestry Commission. There were two small cottages on the right as you entered the area that were known as number 1 and 2 Foresters Cottages and were lived in by employees of the Forestry Commission. Any diseased or fallen trees would be sorted out and provided to local people.
- Periodically the Forestry Commission would harvest trees for this purpose and this would result in a large amount of activity for two or three months of the year, whilst the wood was removed. Wood was currently being removed from a woodland, which backed onto Upper Bucklebury Memorial Hall as part of a 10 year programme. Activity would take place for two to three months every couple of years and then peace and silence would resume.
- Since the Middle Wood had been owned privately by Mr Wakelyn, intensification of the site that was the primary concern of residents.
- There was an area called Paradise Way close to the site, where there were 42 houses. There were 26 houses in Hatch Lane and another 20 houses in Hatch Close. A significant number of families had children who had to walk up to the Blade Bone to catch the bus to school. There was a surprising amount of pedestrian activity in the area. This linked with the increase in activity on the site was what had alarmed local people.
- Councillor Pask stated that on the one hand he supported rural local business however, the fear was how the business had grown incrementally including importing and exporting wood. Mr Wakelyn was highly regarded locally regarding the product he provided to local people.
- Councillor Pask had been keen for the application to be brought to Committee and there had been sufficient letters of objection. There was fear amongst the community that the site could become similar in size to Barlow's Wood near Curridge and expansion on this scale was not wanted by local residents.
- Councillor Pask supported the applicant but also supported those who had written in against the application. He suggested the Committee raise questions regarding the volume of traffic that would be accessing the site.

### **Member Questions to the Ward Member:**

There were no questions raised by members.

### **Member Questions to Officers:**

Councillor Linden asked Mr Dowding if he felt that the signage was sufficient for new HGV drivers accessing the site and queried if better signage was required. Mr Dowding stated that he would not recommend any additional signage to the private development because the Local Authority was trying to remove sign clutter from the side of the highway, particularly in the countryside. There would be no harm in the applicant putting some small flag type signs up if he was expecting someone who did not know where the site was. Mr Dowding stated that he would urge the applicant to ensure drivers were aware of the site's location and most vehicles including HGVs had a GPS system.

Councillor Mackinnon referred to section 6.21 of the report where in the fourth line down it stated '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' and at the end of the same paragraph it stated 'and unless

## EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES

movements are for example one per day, the refusal of planning permission could not be sustained'. Councillor Mackinnon felt that this implied that if movements were one per day it could potentially be sustained. Councillor Mackinnon felt that the information was contradictory and sought guidance on this. Mr Dowding reported that what was being stated was that even if there was one movement per day a reason for refusal would be difficult to apply and as one movement per week was suggested, there was even less of a reason for refusal. Councillor Mackinnon felt that the paragraph was therefore misleading and needed to be worded better.

Councillor Law asked for the movement numbers to be expressed by Officers as an average. He stated that he was not personally making a distinction between a tractor and trailer and a HGV. Mr Butler stated that he had the printed traffic log and statistically it was very difficult to give an average due to variability. On some days there was eight to ten movements; on other days there was more than this and on other days no movements at all. Mr Butler was not prepared to try and give an accurate figure based on the traffic log because it was extremely difficult to do so. The traffic log had been in the public domain since 11<sup>th</sup> January 2021. Councillor Law felt that Mr Butler's comment had clarified the issue and he recognised there was a huge variation in the traffic flows. Councillor Law stated that at the site visit he had been of the understanding that it was one HGV per week however, he had come to the realisation that in addition to this there was a tractor pulling a large trailer of lumber, which had the same impact as a HGV.

Councillor Law asked if the Committee could change the recommended condition to state 'maximum number of journeys into site carrying lumber whether by a HGV or tractor and trailer in any given month'. Councillor Law stated that the maximum number per month could then be agreed with the applicant. Mr Dray stressed that there was a forestry operation on the site and therefore there would be movements associated with that, which were not within the control of the Local Authority. Being a Section 73 application consideration could only be given to the importation of timber. The purpose of the condition was to limit intensification and the impact on the highway network. Mr Dray advised against restricting the total number of movements across the site because there were movements that went beyond the scope of the condition. The importation of timber was however within scope in terms of what could be controlled. Councillor Law stated that this was why he had said the maximum number of journeys into the site carrying lumber. He was very supportive of rural businesses and therefore asked if an amendment could be made that maximised the number of journeys into the site carrying lumber regardless of the type of vehicle. He would be happy for the applicant and Officers to agree the number.

The Chairman invited Mr Dowding to comment and also suggested that he address the matter that report focused on HGVs rather than the total number of movements including a tractor and trailer carrying lumber. Mr Dowding confirmed that a HGV was defined as a vehicle with a gross weight over 3.5 tonne as a combined vehicle and therefore would include a tractor and trailer. Councillor Law was unsure based on this answer that Mr Wakelyn would be happy to accept a movement restriction of 'one per week'. The Chairman stated that he had been of the understanding that a HGV was a large 40 tonne lorry. Mr Dowding explained that there were different classes of HGV and the condition might need to be changed to reflect this.

Councillor Law confirmed that his position remained the same given the clarification from Mr Dowding regarding the definition of a HGV.

Councillor Macro queried if it would be possible to implement a time limit on the arrival and departure of HGVs. He was particularly concerned about school bus pick up and



## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

drop off times. Mr Dray stated that this could be implemented in principle but only in relation to the importation of timber and not general movements.

Councillor Mackinnon queried if he was correct in his understanding that the importation of timber could take place on a tractor or trailer or a lorry and was basically taking timber into the yard. Mr Dray confirmed that this was correct beyond the forestry operation on site. Councillor Mackinnon referred to the current forestry operation and asked if this involved bringing huge trees into the yard as well and queried how it would be possible to distinguish between importation of timber and the extant forestry operation. Mr Butler referred to the original permission that had been given in November 2021. He was not aware of the exact percentages however, a percentage of the wood grown on the site would be permitted development forestry operations. The additional importation of lumber was covered by the condition because the process was beyond the GDPO and therefore a planning application was required.

Councillor Mackinnon further queried how they would be able to distinguish between wood that was grown on the site and wood that was imported in. Councillor Law explained that the wood from the site was processed on site and the lumber that was processed was part of the planning permission already given. This timber did not go off the site until it was cut up and delivered to customers. It did not have to be brought in by a HGV.

Mr Dray reported that condition four on page 17 included the recommendation that a delivery log should be kept and made available. If an issue was suspected this could be checked to see if there was an enforcement issue. This would help with differentiating between the two operations.

Councillor Geoff Mayes asked how many tonnes of wood came in on an HGV and how many tonnes came in on a tractor and trailer. Mr Butler stated that he was unable to provide an accurate figure on this. It was noted that only the applicant would be able to clarify this however, in line with the constitution they had already spoken on the application. Councillor Pask stated the weight would be variable depending on the size of the vehicle.

### **Debate:**

Councillor Richard Somner reported that he had looked at the information in relation to vehicle movements and had picked three random dates looking at the traffic log. He estimated that about one third of trips were carrying lumber. Councillor Somner noted that the applicant's operation was not the only user of the road with some other users having similar size vehicles to the applicant. Councillor Somner said that if he lived in the area surrounded by businesses like the one in question and farms he would expect tractor and trailer movements. It was difficult for him to identify a greater restriction than was currently suggested without the need for permanent officer enforcement being required. The suggested condition was in his view the best that could be reached whilst offering some reassurance without restricting the business to the point that it was not sustainable.

Councillor Macro commented that he had approached the site when travelling to the site visit, from the Chapel Row direction. There had been two pedestrians walking abreast on his side of the road. A vehicle had approached from the opposite direction and it had highlighted to him how narrow the road was. Councillor Macro had viewed the site on Google Street View and there were some very narrow places along the stretch of road and there were no passing places. It would be very difficult to pass if there was a large articulated lorry and he was particularly worried about what might happen when children were walking to the bus stop. If Members were minded to approve the application he

## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

suggested that a condition be added to restrict hours. He also acknowledged that there were other users of the road including farmers and was concerned about frustration build up resulting in dangerous driving. Councillor Macro stated he was still undecided regarding the application.

Councillor Law concurred with Councillor Somner's views regarding the business and stated that those living in a rural setting would normally expect to see tractors and the occasional HGV. He was supportive of the rural business and the Officer's recommendation but was concerned that there had been confusion on previous applications about definitions of movements and he wished for these to be clarified for the current application. Councillor Law proposed that the Officer's recommendation was accepted but he wished to change condition four to the following 'no more than X deliveries of lumber delivered to the site to be dried or processed on the application site, shall take place in any given month'. Councillor Law was happy for Officers and the applicant to reach an agreement on the number 'X'. To define the type of delivery it could be stated that this was by either HGV or tractor and trailer. In his view about 24 movements per month would be reasonable, which was just below one per day.

Mr Dray was satisfied with the condition proposed by Councillor Law. He suggested that it be added to the resolution that it should be delegated to Officers to agree what 'X' should be. Mr Dray welcomed a steer on what 'X' should be and the Chairman invited Councillor Law to provide further clarity on this. Councillor Law stated that there seemed to be very little idea regarding the actual number of movements taking place. Therefore further investigation work was required on this. He was in support of delegating this to Officers to agree with the applicant. If it was too low then the applicant would appeal against the decision.

Mr Dray explained that the condition had two purposes, firstly highway safety and secondly controlling the intensity so that it did not become a material change of use and changed at a level that was ancillary. With this in mind Officers would wish to keep the number relatively low.

Councillor Mayes seconded the proposal by Councillor Law.

Councillor Mackinnon noted that in the applicant's representation he had stated that he took delivery of six loads of timber per year. Councillor Mackinnon referred to the traffic log which recorded a higher level of movements. The condition referred to HGV deliveries to the site and stated no more than one in any given week. Councillor Mackinnon had doubts about how realistic this was. If the Committee was minded to approve the application as it stood, Councillor Mackinnon asked if this could be appealed.

Mr Butler explained that if the application with the condition was approved then the applicant could appeal this. He highlighted that there was an audit trail and public record of the applicant and as part of this there was an email from the applicant accepting the wording of the condition and therefore the applicant's chance of success at appeal was low. The reason Mr Butler had recommended the condition was because it was in his professional view it was a reasonable compromise between the survival of the business, road safety and residential amenity. He stood by his recommendation although accepted it could be varied.

Councillor Mackinnon was unsure if he supported Councillor Law's suggested condition variation. If the condition was accepted as it was, then one HGV delivery in any given week equated to 52 per year. Given what had been said by the applicant and Mr Butler then Councillor Mackinnon felt that this should be more than sufficient for Members to be

## EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES

able to support. Therefore Councillor Mackinnon was minded to support the recommendation as it stood in the Officer's report.

Councillor Somner noted that Councillor Mackinnon had referred to the number of HGVs that were listed. Sometimes HGVs brought in others equipment and wood being brought in was the only issue that should be being considered.

Councillor Somner pointed out that a HGV delivery could be dropped further afield off site but somewhere easily reachable by a tractor and trailer and if this happened then he would assume that the number of tractor and trailer trips would go up considerably in volume. One large delivery was better for the environment and better for the business.

The Chairman was of the view that a tractor and trailer was also a HGV. Mr Dowding clarified that a tractor and a trailer weighing over 3.5 tonnes would be considered a HGV but it seemed that in discussions only a lorry was being considered a HGV. Councillor Somner stated that they needed to be careful with definitions and essentially what needed to be considered was wood being delivered to the site that was not part of the normal operations of the business.

Councillor Macro agreed with Councillor Law and that it was important to control the number of tractor trailer movements whether classed as HGV or not. If they were considered a HGV then the condition would put the applicant out of business. Councillor Macro stated that he would also like the condition amended to include time restrictions to avoid school travel times. He suggested the site should only be accessed between 9am and 3pm. Councillor Law was happy to incorporate this into his proposal. It was important to get a balance of amenity against the business need. Councillor Mayes stated that he was also happy for the time restriction to be included in the proposal.

Councillor Mayes suggested some numbers regarding movements, which provided a total of about 24/25 movements a month. Councillor Law agreed that this could be included as guidance.

The Chairman was concerned that there was some confusion about what was classed as a HGV and what was not. Mr Dowding had clarified that there were categories of HGV over 3.5 tonne. Councillor Law highlighted that his proposal did not state the word HGV but rather referred to the deliveries of lumber. Councillor Law was concerned that if Councillor MacKinnon's recommendation was proposed and approved then there was nothing to stop the applicant doing 10 journeys per day with his tractor and trailer because all that was being controlled was the lorry aspect of HGVs.

Mr Dray suggested that Councillor Law and Councillor Mayes delegate to Officers the ability to also vary the wording of the condition.

Mr Dray read out the amended proposed condition to be included within the recommendation as follows 'no more than X deliveries of lumber delivered to the site to be dried or processed on the application site, to take place in any given month. A delivery log should be maintained on site and made available for inspection by the local planning authority upon request.' Mr Dray added that restriction of hours would be included as follows 'no lumber deliveries shall take place outside of the hours of 9am to 3pm on any given day'. Mr Dray also added that delegated authority would be given to Officers to agree what X was and make minor amendments to precise wording.

The Chairman invited Members to vote on the proposal by Councillor Law, seconded by Councillor Mayes. At the vote the motion was carried. Councillor Pask abstained from voting.

**RESOLVED that** the Service Director of Development and Regulation be authorised to grant planning permission subject to the following conditions:

## EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES

### 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 X deliveries of lumber to the site to be dried and/or processed on the application site shall take place in any given month. No delivery of lumber to the site by HGV shall take place outside the hours of 9.00am to 3.00pm on any given day. A delivery log shall be maintained on site and made available for inspection by the Local Planning Authority upon request.

Reason: 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.

(Authority delegated to Officers to determine X, as well as to make minor amendments to the precise wording of the final condition)

*(The meeting commenced at 6.30 pm and closed at 8.06 pm)*

**CHAIRMAN** .....

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